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THE LIFE AND WRITINGS OF PHILIP DUKE OF WHARTON

BY THE SAME AUTHOR

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Walter Duke of Mar[illegible]

THE LIFE AND WRITINGS OF PHILIP DUKE OF WHARTON

BY LEWIS MELVILLE

WITH SEVENTEEN ILLUSTRATIONS

LONDON JOHN LANE THE BODLEY HEAD
NEW YORK JOHN LANE COMPANY
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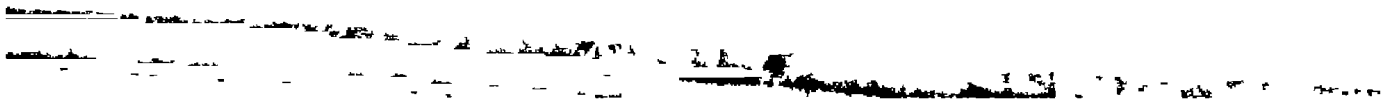
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"Wharton, the scorn and wonder of our days,
Whose ruling passion was the lust of praise:
Born with whate'er could win it from the wise,
Women and fools must like him, or he dies:
Though wondering senates hung on all he spoke,
The club must hail him master of the joke.
Shall parts so various aim at nothing new?
He'll shine a Tully and a Wilmot too.
Then turns repentant, and his God adores
With the same spirit that he drinks and whores;
Enough, if all around him but admire,
And now the punk applaud, and now the friar.
Thus with each gift of nature and of art,
And wanting nothing but an honest heart;
Grown all to all; from no one vice exempt;
And most contemptible, to shun contempt:
His passion still, to covet general praise,
His life, to forfeit it a thousand ways;
A constant bounty which no friend has made;
An angel tongue, which no man can persuade;
A fool, with more of wit than half mankind,
Too rash for thought, for action too refined;
A tyrant to the wife his heart approves;
A rebel to the very king he loves;
He dies, sad outcast of each church and state,
And, harder still! flagitious, yet not great.
Ask you why Wharton broke through every rule?
'Twas all for fear the knaves should call him fool."[1]

[1] "Moral Essays," Epistle I., lines 180-207.



PREFACE

A CHARACTER more interesting than Philip, Duke of Wharton, does not often fall to the lot of a biographer, yet, by some strange chance, though nearly two hundred years have elapsed since that wayward genius passed away, the present work is the first attempt to give a comprehensive account of his life. John Langhorne, best remembered as a translator of "Plutarch's Lives," at one time thought of essaying the task from materials he had collected, but this intention was never fulfilled. Later, Joseph Ritson actually prepared, in part at least, a biography, but this he did not publish; and after his death in 1803 the manuscript was acquired at a sale of his effects by John Nichols. Nichols, however, did not issue it, and to this day it has never seen the light. Several brief accounts of the Duke have been written. The first of them, dated 1731, the year in which the Duke died, being composed by one acquainted with his Grace, has a value that, owing to the scantiness of the information contained in its pages, it would not otherwise possess.[1]

[1] Other accounts of the Duke have been written by an anonymous writer in the "Biographia Britannica" (1747), by Horace Walpole ("Royal and Noble Authors," 1758), Jesse ("The Court of England," 1843), "Grace and Philip Wharton" ("The Wits and Beaux of Society," 1860), Russell ("Eccentric Personages," 1864), an anonymous writer (*Temple Bar*, July 1875), Edward Walford ("Tales of our Great Families," 1877), Thomas Seccombe ("Dictionary of National Biography," 1899), W. F. Dinnetry (*Catholic World*, New York, September 1906), Nelson D'Auverne ("Tarnished Coronets," 1911), and the present writer ("Some Eccentrics and a Woman," 1911).

The only biography seriously to be considered is that by Mr J. R. Robinson, published in 1896. Of this it may be said, that, like all the books of this practised writer, it is very interesting. Mr Robinson, however, made no attempt to give an exhaustive narrative of the life of the Duke, and he did not make use of many sources of information that were open to him, ignoring, among other works, the Stuart Papers (ed. Glover) and the Atterbury Correspondence, both of which collections throw much light upon the career of the Duke directly before, and for some time after, he left England for the second and last time. The Stuart Manuscripts belonging to His Majesty the King were not accessible when Mr Robinson wrote, and these contain much valuable information, through the medium of letters written to, by, and about the Duke, mainly concerning his early connection abroad with the Pretender, the Duke of Ormonde, the Earl of Mar, and other adherents of the Jacobite Cause. I have been so fortunate as to obtain permission from the Controller of His Majesty's Stationery Office to insert the correspondence in this work; and I am enabled, thereby, to give for the first time a full account of the young man's plunge into politics, which earlier writers have perforce dismissed in a few lines. I have also found in the Manuscript Department of the British Museum letters written by the Duke.

While these are the principal sources of the new material upon which this book is based, I have garnered information from many other quarters. A careful search through the publications of the Historical Manuscripts Commission has been well rewarded, for the Portland, Bagot, Townshend, Drummond, Moray, Lonsdale, and Weston-Underwood collections contain numerous references to the Duke. The principal published works consulted

with advantage include the Biographies, Diaries, and Correspondence of Thomas, Marquis of Wharton (1715), Bishop King, Edward Young (by Doran), Sir Robert Walpole (by Coxe), Swift, Mary, Countess Cowper, Lady Jane Coke, Lady Mary Wortley Montagu, Atterbury (by Williams), and Elizabeth Farnese (by Armstrong), the Memoirs of the Count de Beauval (the Marquis d'Argens); the Anecdotes of Seward, King, and Percy; the Hardwicke State Papers; the Lockhart Papers; Delany's Observations on Swift; R. F. Gould's "Masonic Celebrities," Pennant's "Tour . . . to Alston Moor," "Burrow's "Worthies of All Souls," Lipscomb's "Buckinghamshire," E. R. Wharton's "The Whartons of Wharton Hall," Cobbett's "Parliamentary History," Baker's "Biographia Dramatica," Zedler's "Universal Lexikon," Granger's "Biographical History," Boyes's "Political State of Great Britain," Burke's "Extinct Peerages," Cokayne's "Complete Peerage," the Minutes of the Evidence in the Wharton Peerage Case (1844), Black's "Horse-racing in England," and Strange's "Guide to Tunbridge Wells." There are also references to the Duke of Wharton in Westmacott's "English Spy," and Mrs Haywood's "Memoirs of a certain Island adjacent to the Kingdom of Utopia"; but these works must be used with caution.

I have already mentioned my obligation to the Controller of His Majesty's Stationery Office for permission to use the Stuart Papers, and it only remains for me to tender him my thanks. I am indebted to Lord Mostyn for a copy of an unpublished letter of the Duke of Wharton, the original of which is preserved among his family papers; and I have to acknowledge the kindly assistance I have received from Mrs A. M. Stirling; the Warden of All Souls' College, Oxford; the Hon. Vicary Gibbs;

the Rev. R. Unsworth, vicar of Wooburn, Bucks; ar
Mr A. I. Ellis, of the British Museum. Mr R. I
Gould, the distinguished author of "The History
Freemasonry," has very generously permitted me tl
use of the information he has collected concerning tl
Duke of Wharton as a Freemason. The Rev. Henry V
Clark has very kindly read the proofs of this work. M
A. M. Broadley has been so good as to lend many inte
esting prints from his collections to serve as illustratio
to this book.

LEWIS MELVILLE.

SALCOMBE, HARPENDEN,
HERTS, *Christmas*, 1912.

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THE LIFE AND WRITINGS OF PHILIP DUKE OF WHARTON



THE LIFE AND WRITINGS OF PHILIP DUKE OF WHARTON

CHAPTER I

THE WHARTONS OF WHARTON HALL

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THE family of Wharton,[1] which derives name from "a fair lordship" upon the Ri Eden, in the county of Westmoreland, is great antiquity. "This river," says Camd "runs by *Wharton-hall*, the seat of the Barons *Wharton* of which Manour the present Family have be Proprietors beyond the date of any Records extant, a have likewise been Lords of the Manour of *Croglin* Cumberland, and Patrons of the Rectory there, m than four hundred years past."[2] The investigations the late Edward Ross Wharton enabled him to trace t history of the House of Wharton from 1292, when Gilb de Querton (as the name was written until 1310, when t modern form was adopted) proved before the justices Appleby his right to the manor of Querton, which h come to him from his nephew Robert, who had it fr "Isabel, daughter of Jordan." Gilbert married Emr a daughter of the great family of Hastings, and heiress of the manor of Croglin. The properties descenc through the eldest sons of the respective generatio Henry, Hugh, William, and John, to Thomas, concern whom it is known that he was with John of Lancast Duke of Bedford, when that Prince was Regent of Fra (1422-1435), and that in 1436 he represented Appleby Parliament. Of Thomas's son Henry, all that is recorc is that he married Alice, daughter of Sir John Conye of Hornby, in Lancashire; and of Henry's son, anot Thomas, that he was sometime Clerk of the Wars w Scotland, and died about 1520. With the latter's s named after his father, the family takes its place in history of England.

[1] See the *Wharton MSS.* in the Bodleian, E. R Wharton: *Whartons of Wharton Hall*; *Memoirs of Thomas, Marquss of Wha* (1715); Burke: *Extinct Peerages*; Cockayne *Complete Peer* articles on members of the family in the *Dictionary of National Biogra*

[2] *Britannia* (second edition, 1722), ii 988

The third Thomas, born about 1495, is distinguished chiefly for his share in the border wars. As Captain of Carlisle Castle from 1534, and from 1537 also Deputy-Warden of the West Marches, it fell in 1542 to his lot, with the aid of his neighbour, Sir William Musgrave, to repel with a body of men in arms vastly inferior in numbers a Scotch army about fifteen thousand strong. The English fell upon the Scots in some defiles, and the Scots, thinking that the entire English army was upon them, fled in great disorder; many being killed, and no less than fifteen hundred taken prisoners, including the Earl of Cassilis and Lord Glencairn. Three years later Thomas went with Lord Dacre and sacked Dumfries. For these and other services, he was in 1544 created by patent Baron Wharton.

It is most important to note that the barony was created by patent, for until 1908 it was assumed that it was created by writ With the death of the Duke of Wharton in 1731 all his honours were extinct. In 1844, however, Colonel Charles Kemeys Kemeys Tynte claimed the barony, and in the next year obtained, on technical grounds, a reversal of the Duke's outlawry.[1] The barony, if by writ, was then in abeyance, and the House of Lords declared that it was so created in the first year of the reign of Edward VI., and that consequently it descended to heirs general; but the prayer of Colonel Tynte that the abeyance of the barony be determined in his favour was not granted, because it was proved that four other descendants of daughters of the fourth Lord Wharton—Mr Cochrane Wishart-Baillie, Mrs Aufrere, Lord Willoughby D'Eresby, and the Marquis of Cholmondeley —had an equal right to the title. The decision of the House of Lords that the barony was created by writ seems to have been arrived at negatively, because no patent, or record of the patent, could be discovered.

[1] See p. 301 of this work.

Subsequently the researches of Edward Ross Whar brought to light evidence that the barony was created patent in the thirty-fifth year of Henry VIII. He fou among the Hamilton papers a contemporary let stating that on March 18, 1544, the Earl of Hertf presented their patents to Lord Wharton and L Evers, and in the Carte Papers some manuscript nc of Philip, Lord Wharton, correcting Dugdale, v asserted that the barony was by writ. A barony patent is limited to heirs male of the body, and th fore the judgment of the House of Lords was erroneou

The highest offices which Lord Wharton held w those of General Warden of all the Marches to Scotl and Governor of Berwick, in joint commission with Earl of Northumberland, which posts he held, apparen until his death in 1568. A masterful man, he had a gift for quarrelling with those who seemed to be indica by natural circumstances for his friends, and his differe with the Maxwells and Lord Dacre and others v notorious in their day.

Thomas, second Baron Wharton, the son of the peer, was born in 1520. In his youth he saw m service on the borders, and in 1548, three years afte had received the honour of knighthood, he acted Carlisle as deputy for his father during the invasio Scotland. He represented various constituencies Parliament from 1545 until 1558, and his duties at W minster kept him in the south. He accepted in the appointment of Steward of the Household to Princess Mary, and upon her accession was sworn of Privy Council; but he fell into disgrace under Eliza and in 1561 was for a while imprisoned in the Towe hearing Mass at his house of Newhall, in Boreham, E (which manor, with others in the same country, had granted him by Mary). He came into the title in

[1] E. R. Ross: *The Whartons of Wharton Hall*, 8, 58.

but died four years later, when he was succeeded by his son Philip, named after his godfather, the King of France.

Of the third Baron, who at his father's death was seventeen years of age, there is nothing to relate save that in 1617 he was visited at Wharton Hall by King James, and that he ran so heavily into debt that from the following year he had to put aside half his income for the benefit of his creditors. By his first wife, Frances, eldest daughter of the second Earl of Cumberland, he had three children—Frances, who married Sir Richard Musgrave, Bart., of Edenhall, in Cumberland; George, who in 1609 engaged in a duel arising out of a quarrel at cards with Sir James Stuart, in which both combatants were killed at the first thrust, and Thomas, who died in 1622, three years before his father, leaving issue by his wife, Philadelphia, only daughter of Robert, Earl of Monmouth The barony descended, therefore, to Thomas's elder son, Philip, who was but twelve years old when his grandfather died

The fourth Baron, known as "the good Lord Wharton," was more distinguished than any of his predecessors. 'He was," his son's biographer has put it on record, 'in his youthful days one of the handsomest men, and he greatest *beau* of his times; he had very fine legs, and took great delight to show them in dancing. I emember to have seen him in old age, when those fine egs of his were shrunk almost to the bone, to point to hem in that worn decrepit condition and say, 'Here re the handsome legs I was so proud of in my youth; ee what is the beauty of man that he should take nde in it.'"[1] His tastes inclined him to the Court, ut when the quarrel began between the King and the arliament, he, being a staunch Presbyterian, threw i his lot with the Roundheads. In Parliament he

[1] *Memoirs of Thomas, Marquis of Wharton* (1715), 5

supported in the Lords the contentions of the popular leaders of the Commons, and Parliament showed its gratitude by appointing him in 1642 Lord-Lieutenant of Lancashire and Buckinghamshire. It also in June of that year selected him to command the army to be sent to Ireland, but the King refused to confirm him in that position. He was present, in command of a regiment of foot, at Edgehill; but that was all the service he saw, for henceforth he confined himself entirely to his duties at Westminster, except in July 1645, when he acted as one of the Commissioners to negotiate with the Scots. Though in sympathy with the Roundheads, he was openly opposed to many of their proceedings, and condemned the execution of the King. While on good terms with Cromwell in private life—the latter in 1652 proposed that his son Henry should marry Wharton's eldest daughter—he disapproved of what he considered his friend's treachery in declaring himself dictator; and, though in 1657 he was summoned to the Upper House and appointed a Privy Councillor, he declined to act, nor could any persuasion induce him to take an active part in affairs under the Commonwealth.

Philip had, in 1632, married Elizabeth, daughter of Sir Rowland Wandesford, of Pickhill, in Yorkshire, who bore him one daughter, named after her mother, who married Robert Bertie, then Lord Willoughby d'Eresby, and afterwards Earl of Lindsey. After the death of his first wife, Philip espoused, in 1637, Jane, daughter of Arthur Goodwyn, of Upper Winchendon and Wooburn, in Buckinghamshire. Philip was already a rich man, having inherited the family property, worth £8000 a year, and in 1643, when Arthur Goodwyn died, he, through his wife, came into possession of his father-in-law's two estates. During the Commonwealth he resided for the most part at Wooburn, where he

indulged his artistic tastes, at a cost, it is said, of £30,000. He beautified the gardens, he purchased furniture, and he enlarged the mansion, erecting a splendid gallery one hundred and twenty feet long, in which he placed a fine collection of pictures, which included some admirable canvases by Van Dyck and Lely.

In spite of his passivity for so many years, Philip at the Restoration was not looked upon with favour by the Royalists, who could not forget that he had once been in opposition to their cause. All unaware that bygones were not bygones, he went to Greenwich to greet Charles II. on his arrival in England, when, being in mourning for his second wife, he thought to give a brightness appropriate to the occasion to his sombre costume by wearing diamonds as buttons; but even this act of loyalty did not placate the angry Cavaliers, and, but for the intervention of Lord Willoughby d'Eresby, his son-in law, his name might have been omitted from the Act of Oblivion. In spite of this, however, he attended the Coronation, when he drew all eyes upon him by his sumptuous attire on this occasion the furniture for his horse amounted to £8000, his bridle alone being valued at £500.

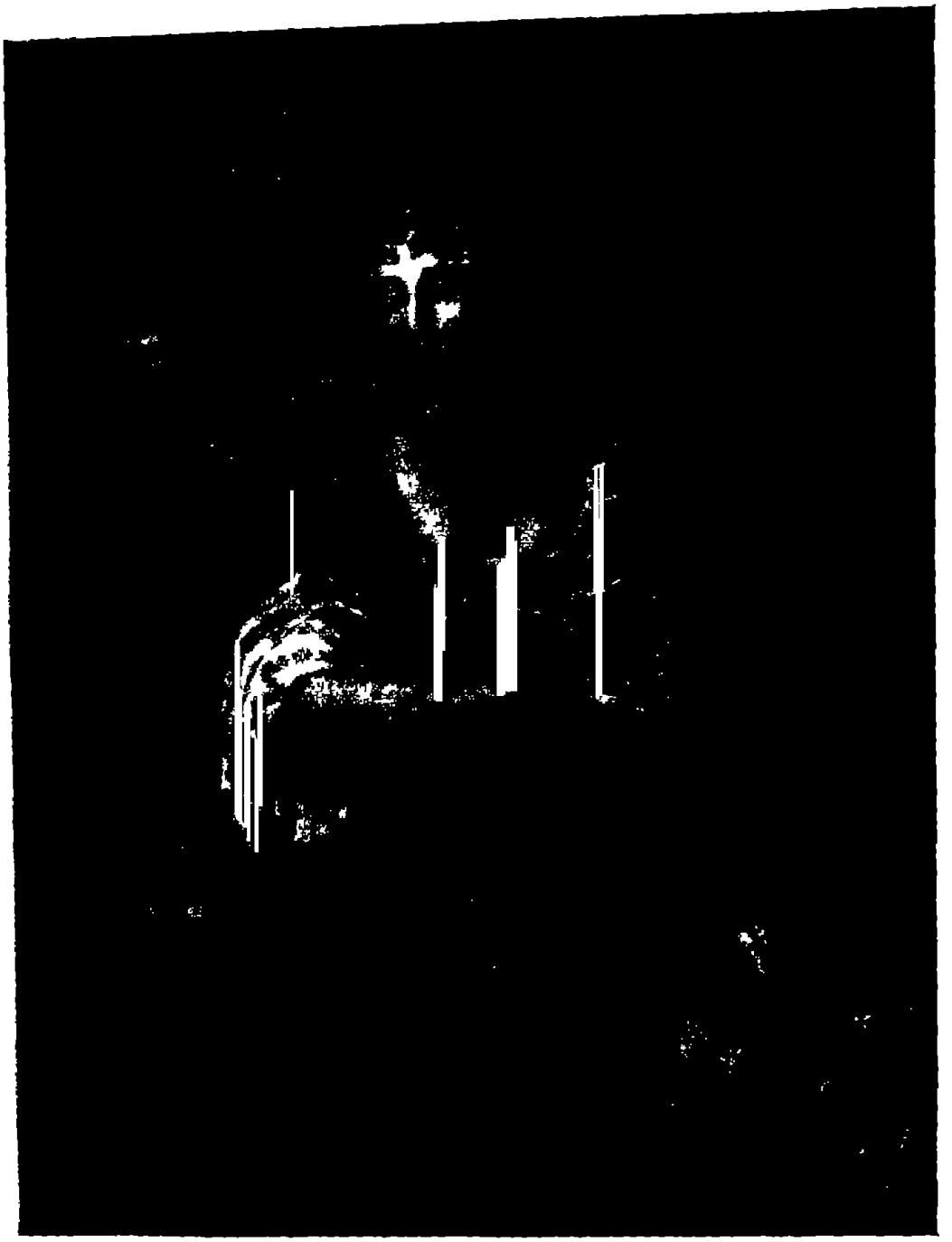
For the first ten years of the Restoration he took no active part in politics, but he then came to the fore in connection with his opposition to the Conventicle Act of 1670 and the Non-Resistance Test of 1675 Two years later he, in company with the Duke of Buckingham, was committed to the Tower for five months for declaring Parliament dissolved by its prorogation for fifteen months. After the accession of James II., he deemed it wiser to go abroad for a while, and he visited France and Germany. He was among the earliest and staunchest adherents of the Prince of Orange, who, at the first opportunity, showed his gratitude

by nominating him Privy Councillor, and, in 168c visiting him at Wooburn. In the following year, Quee Mary showed the high favour in which she held hir by going unexpectedly from Windsor to his favourit seat. The honour was great, and as inconvenient a it was great, for only Lady Wharton was at home, and according to the chronicler, was hard put to it to pro vide dinner, having only a little maid as cook. Thi was Philip's third wife, whom he had married in 1661 Anne, daughter of William Carr, of Fernhurst, i Roxburghshire, widow of Colonel Edward Popham who bore her husband one son, William, who wa killed in a duel. Lady Wharton died in 1692, and fou years later her husband followed her to the grave

Philip was succeeded in the barony by his eldest son Thomas, the child of his second wife, who had born him two other sons and four daughters.[1] Philip wa a stern disciplinarian and a strict Covenanter, and Macaulay tells us, "the boys' first years were passec amidst Geneva bands, heads of lank hair, upturnec eyes, nasal psalmody, and sermons three hours long Plays and poems, hunting and dancing, were proscribec by the austere discipline of this saintly family." Wher the boys became young men, they avenged themselve for a pleasureless childhood by plunging headlong int the gaieties of the town, until even among the gallant they became a byword. Thomas was more thorough

[1] Goodwyn (1653-1704), who sat for Buckingham in the House o Commons, after the eldest brother went to the House of Lords; Henry (1657-1689), a Colonel in the British Army, who died at Dundalk, wher serving there under the Duke of Schomberg; Anne (d 1689), wh married her step-mother's brother, William Carr, Baron of the Ex chequer; Margaret, who married Major Dunch, of Pusey, in Berkshire May (b. 1649), who married (i) in 1673, William Thomas of Wenvoe in Glamorganshire, and (ii) in 1678, Sir Charles Kemys, of Cefn Mably in the same county; and Philadelphia (1655-1722), who married (i.) in 1679, Sir George Lockhart, of Carnwarth, in Scotland, and (ii. Captain John Ranby.





ANNE, LADY WHARTON
From an engraving by R. Erlom, after a portrait by Lely

ıan the others, and after he had done the Grand Tour
ı 1663–4, he outdistanced his brothers in dissoluteness
; later he was to outdistance them in public life.

At the age of twenty-five, at the instance of his father, ho may perhaps have thought that matrimony might ean the young man from his evil courses, Thomas ıarried Anne, second daughter and co-heiress of Sir enry Lee, Bart, of Ditchley, in Oxfordshire, who rought him as her portion an income of £2500 and a ıpital sum of £10,000 According to one authority, nne was, in 1673, a girl of fourteen,[1] but the *Dıc-onary of Natıonal Biography* states that she was orn forty-one years earlier. She was a clever woman, correspondent of Burnet, and a minor poet whose erse extorted the praise of Waller. As Thomas cared othing for learning or literature, and would cheer-ılly, nay, eagerly, have given the manuscript of ıs wife's *Lamentatıons Paraphrased or Love's fartyr* for a race-horse, it is not surprising that the ıarriage was not happy. To make matters worse, ıe lady seemed to have lacked that feminine charm 'hich was so attractive to Thomas "His first Lady 'as a Woman of real Worth and Honour, rich in all ıe Graces of the Mind, as well as bless'd with those f Fortune, yet could he never affect her," wrote Mrs fanley.[2] "She was a woman of wit and virtue, yet er person was not so agreeable to him as was necessary o secure his constancy," says his biographer, who ıentions that the young man was in love with another 'oman when his father insisted upon his marrying ınne Lee He was certainly in love with many other 'omen after his marriage, and so notorious was his nfaithfulness that in 1682 his wife would have left im, but for Burnet's entreaties. Three years later

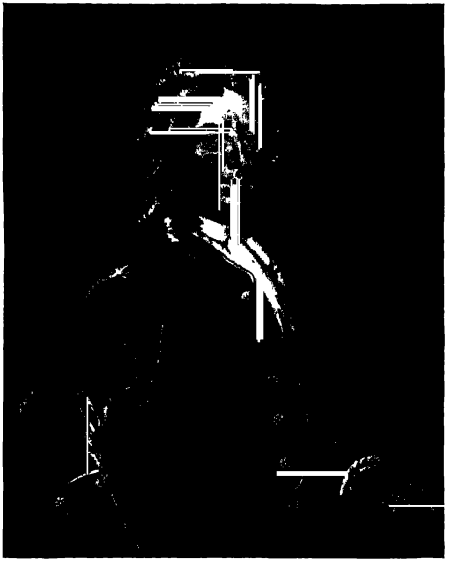
[1] E R Wharton *The Whartons of Wharton Hall*, 46.
[2] *The New Atlantis* (seventh edition, 1736), 1 137

she died, leaving no issue—in spite of the wish so kin expressed by Waller :—

> "As Hannah's seed was vow'd to sacred use,
> So here this lady consecrates her Muse ;
> With like reward may Heav'n her bed adorn,
> With fruit as fair as by her Muse is born."

The death of his wife made little or no difference Thomas, who had not allowed his libertine tastes to controlled by the fact of her existence. He lived Winchendon, even after his father's death, preferr that residence to Wooburn, which was not so health situated, though on the latter estate he also spent cc siderable sums. He effected considerable impro ments at Winchendon, both in the mansion and in t grounds, which were thought by many to be the fin in the county.

The political career of Thomas, if told with a detail, would occupy several chapters, and can her therefore, only be touched upon. He was return to Parliament as member for Wendover from 167 1679, in which year he was, with Richard Hampto elected to represent Buckinghamshire, for which co stituency he sat until at his father's death he was tran lated to the House of Lords. The affection for hi of the electors, both in the borough and the county was less in the nature of appreciation of his qualitie than regard for his thoroughgoing methods of bribery His electioneering is said to have cost him £80,000 Though his adherence to Presbyterianism was purely theoretical, for in practice he ignored the teaching of that, as of any other, religion, he was in practice a stalwart supporter of the Protestant faith. On June 26, 1680, he delivered a presentment against the Duke of York to the Grand Jury of Middlesex, with reasons for indicting him for not coming to church ; and later



THOMAS MARQUIS OF WHARTON
From a painting by Kneller

in the year he voted for the Exclusion Bill, whereby James, as a Catholic, would be ruled out of the succession to the throne. When this passed the Commons, he was one of the members who carried it up to the House of Lords, where, however, it was thrown out. With his views, it was natural that he should be foremost amongst those who desired the Prince of Orange to come over in 1688, and it is said that he drafted the invitation sent to Holland. When the news reached him that William had landed at Torbay, he, with his father and some score of friends, hastened southwards, fell in with the royal party at Exeter, and accompanied it to the metropolis.

The greatest service which Thomas rendered to the cause he favoured was the composition of the famous ballad, "Lilli Burlero," written on the occasion of General Talbot being created Lord-Lieutenant of Ireland

"Ho! broder Teague, dost hear de decree?
Lilli Burlero, bullen a-la.
Bat we shall have a new deputee,
Lilli Burlero, bullen a-la
Lero lero, lilli Burlero, lero, lero, bullen a-la.
Lero lero, lilli Burlero, lero, lero, bullen a-la.

Thus runs the first verse of the doggerel, which in the spirit of the time caught on, Tyrconnel being a Papist, and "Lilli Burlero" and "Bullen a-la" being the words of distinction said to have been used among the Irish Papists in 1641 in their massacre of the Protestants Burnet says that the whole country, military and civilian, sang the ditty, which had a more powerful effect than the philippics of Demosthenes or Cicero, and contributed not a little towards the success of the Revolution.

When the Revolution was an established fact, honours were showered upon Thomas, who was appointed Controller of the Household, sworn in a Privy

Councillor, and Lord-Lieutenant of the counties of Oxford and Westmorland After William's death, he was further advanced, though the new sovereign cherished a dislike for him so deep as to refuse to allow him to be nominated one of the Council of Regency to act after her demise. He was in 1706 named a Commissioner to arrange the Treaty of Union with Scotland and in the same year was created Viscount Winchendon and Earl of Wharton. In November 1708, he, in succession to the Earl of Pembroke, became Lord Lieutenant of Ireland, which high office he held for two years, when Godolphin's ministry was overthrown The most interesting point in connection with his viceroyalty is that he took with him to Ireland as his private secretary, Joseph Addison, whom he afterwards put in for his borough of Malmesbury. In the Townshend administration, at the time of the Hanoverian accession, Wharton was Lord Privy Seal; and George I. rewarded his staunch supporter by creating him, on January 7, 1715, Baron of Trim, Earl of Rathfarnham, and Marquis of Catterlough, in the peerage of Ireland, and on February 1715 Marquis of Wharton and Malmesbury. He did not long enjoy his new honours, for on April 12 he died at his house in Dover Street, Mayfair. He was buried at Winchendon.

The estimates of the character of Thomas, Marquis of Wharton, vary very considerably. Thus, he is described by an anonymous writer —

> "Nor bribes nor threat'nings could his zeal abate,
> To serve his country, and avert her fate.
> Firm to her laws and liberties he stood,
> Submitting private views to public good.
> Who could obsequious with the current swim,
> Whigs might be call'd, but Tories were to him:
> Parties or persons he no longer knew
> When swerving once from honest, just, and true.

Oft has he stemm'd the rage of impious times,
When patriot virtues bore the brand of crimes.
To check proud tyrants born, and faction awe,
But most devoted to good kings and law." [1]

On the other hand, Swift wrote of him as, " the most iversal villain that I ever knew," and Macaulay, cepting the Dean's verdict, while admitting the man's ilities, says that though he was the truest of Whigs was the falsest of mankind in all other relations. 's Manley credits him with yet another good point, she describes him as " A Man who, with a Compli- tion of Vices, had but this one Virtue, *not pretending any*." [2] Steele dedicated the fifth volume of the *ectator* to the Marquis, and found much to praise in n. " You have acted," he wrote, " in so much con- tency with yourself, and promoted the interests of ur country in so uniform a manner, that even those o would misrepresent your generous designs for the blic good, cannot but approve the steadiness and repidity with which you pursue them." His courage d his industry are not to be denied. Though not great orator, he was an excellent speaker, and his gacity was unquestionable, while his loyalty to his use, in a day when every man played for his own nd, was so generally admitted that he was dubbed onest Tom Wharton." " Your character of Lord harton is very generous : I am glad to hear so well him," Lord Shaftesbury wrote to Robert (afterwards scount) Molesworth, November 1, 1709. " If ever expected any publick good where virtue was wholly ak, 'twas in his character : the most mysterious of y in my account, for this reason. But I have seen my proofs of this monstrous compound in him, of

[1] Dodsley : *Miscellaneous Poems*, v., " To the Marquis of Wharton "
[2] *The New Atlantis* (seventh edition. 1736), ii 162

the very worst and best." [1] The Marquis was certair a very complex character, and probably not so b as the virulent attacks of the Tories would have i but of his morals in private life the less said the bett for his reputation

Thomas, in 1692, took for his second wife Luc daughter and heiress of Adam Loftus, Viscount Lisbur in the peerage of Ireland, who brought him a fortune £5000 a year and the estate of Rathfarnham, coun Dublin She was in her youth a noted beauty, and toast in 1698 at the Kit-Kat Club :—

> "When Jove to Ida did the gods invite,
> And in immortal toastings pass'd the night,
> With more than bowls of nectar they were blest,
> For Venus was the Wharton of the feast."

This alliance was not actually unhappy, for each we a different way, and was openly unfaithful to the othe It has been said that Lady Wharton was as immoral . her husband, and Mrs Manley, who wrote of her . "the fair Marchioness du Coeur," says that the Marqu encouraged her in her courses early in their marrie life because "he wanted an Heir to her Possessions ar his own, nor did he much matter how he came by it "Who that has the honour of tasting her easy and agre able Conversation can resist her?" asks the sam authority, after alluding to the fact that Sir Richar Temple was among her victims. "Then her Person h inexpressible Charms: Her Face, without boasting what you call a regular Beauty, has something so ga so sweet, so genteel and agreeable, that one canne defend one's Heart against her." [2] In later years h good looks left her, though Swift was doubtless guilt of exaggeration when, writing to Stella on February

[1] Anthony, Lord Shaftesbury *Letters* (ed. 1746), 96.
[2] *The New Atlantis* (seventh edition, 1736), i. 135-8.

7I2, he said, " I saw Lady Wharton, as ugly as the)evil, coming out in the crowd [from the Queen's con-ert] all in an undress."

Of this marriage there were three children, Philip, fterwards Duke of Wharton, born in 1698; Jane, born n 1706; and Lucy, who came into the world four years ater. Lady Jane Wharton married, in 1723, John Holt,)f Redgrave, in Norfolk,[1] who died in 1729; and six years

[1] " Lady J Wharton is to be married to Mr Holt, which I am sorry or;—to see a young woman that I really think one of the agreeablest girls upon earth so vilely misplaced."—Lady Mary Wortley Montagu :o the Countess of Mar, Twickenham, August, 1721 (*Letters of Lady M W. Montagu*, ed Thomas, 1. 335.) The marriage did not take place until July 3, 1723

later the widow married Robert Coke, of Longford, in Derbyshire, a brother of the first Earl of Leicester, and sometime Vice-Chancellor to Queen Caroline. Coke died in 1750; his wife surviving until 1761. Lady Lucy Wharton married, in 1731, Sir William Morice, Bart., of Werrington, near Launceston. She was divorced in 1737, and died two years later at Bath.

CHAPTER II

THE EARLY YEARS OF PHILIP, DUKE OF WHARTON

(1698-1716)

Birth—After 1706, known as Viscount Winchendon—The father ambition for his son—He directs the course of study for the boy—Philip's precocity—A contemporary tribute to his youthful talent—He is taught to learn speeches by heart and to recite them before an audience—His training designed to qualify him for public life—His industry—His love of pleasure early asserts itself—A handsome lad—Much attracted to women—His marriage at the age of sixteen—His father's disappointed hopes—Husband and wife separated—Death of his father—The Marquis's will—The new Marquis's guardians—His "unbridled excesses"—"Menalcas and Enosia"—He is sent abroad to finish his studies.

PHILIP, the only son of Thomas, then Baron Wharton, was born either at Adderbury or Ditchley, in Oxfordshire, in the winter of 1698. The exact date has not been discovered, but as he took his seat in the House of Lords on December 21, twenty-one years later, it is evident that he must have been brought into the world on or before December 21. His sponsors were William III., Princess Anne of Demnark, and Charles Talbot, Duke of Shrewsbury. From 1706, when his father was created Earl of Wharton, the child was known by the courtesy title of Viscount Winchendon, a designation retained even after the Earl was raised to the Marquisate

Thomas was ambitious for his house as well as for himself, and he decided to bring up the boy under his own eye. Entirely forgetful of the ill-effects that, by a

imilar course of treatment, had resulted in his own case, ıe, instead of making ample provision for the lad's .musements, devoted his attention mainly to the arrange- nent and direction of the studies in which he desired his ıeir to be instructed. From his birth destined by the ather for public life, Philip was at an early age placed n the hands of private tutors, who were directed to nstruct him in those branches of knowledge likely to be nost useful to one who would probably fill high offices ıf State. Especially was Thomas anxious that his heir hould be given every chance to develop such powers .s would heighten any gifts for oratory he might possess. ' By the time that our young Lord had arrived at he Age of thirteen or fourteen, the Earl conceived the greatest Expectations of him," Philip's earliest biographer ıas recorded " He saw him advanced in Knowledge ıbove his Years ; that he was endowed with a penetrating udgment, and a brisk and sparkling Wit, which discovered tself in many surprizing and peculiar Turns upon all)ccasions. But the Strength of his Memory was yet nore prodigious ; he had the best Part of *Virgil*, and his nore-beloved *Horace*, by heart ; and moreover could run ver the most remarkable Facts in the *Grecian*, *Roman*, nd *English* History, with the Lives and Actions of the elebrated Men in the different Ages of the World, in an .mazing Manner." " As it was with the View of qualify- ng the Lord *Wharton* to serve his Country in the high tation in which his Birth was to place him," the same uthority continues, " his Father's Care was to form him . complete Orator, for which end he had, at Times, some f the principal Parts of the best *English* Tragedies given im to study, particularly those of the inimitable *hakespear*, and those he accustom'd him to speak before . private Audience. And now and then his Father gave im Speeches, that had been spoken in the House of ords, which he got by Heart, and delivered with all the

Graces of Action and Elocution, and with so much Propriety of Expression, and suitable Energy of Voice and Pronunciation, as shew'd him in a manner born for this arduous Province · and the Excellence of these his Performances was still heighten'd by the Beauty and Comeliness of his Person." [1] The father was proud indeed of the unusual abilities of which his son was so evidently possessed, and, on this early promise, indulged in agreeable day-dreams concerning the position to which the lad would one day attain. No less a person than Addison expressed himself greatly and pleasurably astonished by the little lad's knowledge and intelligence.

Philip applied himself to his studies with such diligence as to merit the approbation of even the most exacting parent, but his father's love of pleasure was in his blood, and presently, by a reaction not at all unnatural, he, precocious in all things, began eagerly to take such pleasures as were within his reach. Handsome and graceful, he found favour with women, and took his pleasure with them—a fault which his father, regarding the boy as in this direction at least a chip of the old block, could forgive readily enough He was willing that Philip should amuse himself in this way, so long as he did not transgress the bounds of amusement, for it was part of the plan that the young Viscount should in due course marry a girl of such high rank and connections and great fortune as would enhance his position in the world.

The lad unfortunately lacked the discretion of his father, and, long before an eligible *partie* arrived on the scene, he fell in love with Martha, a daughter of Major-General Richard Holmes, eloped with her, and was married in the Fleet, on March 2, 1715. The young girl has been described as being "without either family or fortune," a statement probably extravagant, since, while

[1] *Memoir of the Duke of Wharton By an Impartial Hand* (1731), 3.

it may well be that fortune she had none, it was very unusual for a man without family to attain to so high a rank in the army. The marriage of a boy of sixteen is always a tragedy, and it is not surprising that his parents were furious. Mrs Haywood (whose statements, however, must never be accepted unless corroborated by some more trustworthy authority) says that every effort was made by the Marquis to have the marriage annulled; [1] but if he did so endeavour he certainly was unsuccessful.

The effects of this madcap marriage might not have been so terrible—they might at least have been minimised instead of aggravated—had the Marquis accepted the position and made the best of it, for there was nothing against the girl except her lack of money and of great connections. Lord Wharton, however, was so upset by the blow to his hopes of a splendid alliance that he acted anything but sensibly. He insisted upon an immediate separation between the young couple, and took his son with him to Winchendon. According to Mrs Haywood he filled his house with very gay company, brilliant men and beautiful women, in the hope of withdrawing the lad's thoughts from his wife; [2] but this is perhaps merely scandal. What is more likely is that he again and again impressed upon the Viscount that he had made a fool of himself—than which, to a brillliant youngster, there is no attack so impressive. Whatever his plans may have been, there was no time for him to bring them to maturity, for he died on April 12, that is, about six weeks after the marriage, wherefore some biographers state that grief for this act of his son was the cause of his demise As, however, he was sixty-seven years of age, and had lived hard, other causes may be suspected Four days before he died he made his will. Mr Robinson says that in this document there can be found no condemnation of his

[1] *Memoirs of a certain Island adjacent to the Kingdom of Utopia.*
[2] *Memoir of Philip, Duke of Wharton,* 10

son's conduct; but this is inaccurate, for in one of the last paragraphs of the will it is written, "And I recommend it to my son, to observe the advice of his Mother and Guardians, and to endeavour, by a dutiful and prudent behaviour, to make the best amends he can for the false step he has made" [1]

The boy's guardians appointed by the will were his mother, the Marquis of Dorchester,[2] the Earl of Carlisle,[3] and Nicholas Lechmere.[4] His mother naturally took charge of him, at least she endeavoured to do so, but neither she nor anyone else could control him, and we are told that she was much distressed by reason of the "unbridled excursions" to which he abandoned himself. There is a hint of his licentiousness in a contemporary chronicle. "Young Wharton, now about twenty years of age," wrote Thomas Hearne, July 1, 1715, "is a thin, slender, and pretty tall gentleman, and lately married a young woman of very ordinary extraction, who now lives separately from him, though the gentlewoman is a person of great beauty and (as I am told) of great virtue, far beyond this young nobleman." Certainly the young Marquis sought pleasure in intrigues, and there has been handed down, as evidence of his amorous disposition in his teens, "A Pastoral Dialogue," written by him at this time, and occasioned, we are told, by an intrigue he had with a married lady. It is interesting as the first known production of his pen.

[1] *The Last Will and Testament of Thomas, Marquess of Wharton* (1715), 20

[2] Evelyn Pierrepont, first Marquis of Dorchester of the second creation (1665 ?-1726), created, in August 1715, Duke of Kingston

[3] Charles Howard, third Earl of Carlisle (1674-1738)

[4] Nicholas Lechmere (1675-1727), created, in 1721, Baron Lechmere of Evesham

MENALCAS AND ENOSIA

MENALCAS

Why stays my Fair ?—See the thick shades descend,
Night hurries on—I cannot bear delay—
My flocks, with eager fondness, swift, I penn'd,
To steal one moment from the joyless day.
One blissful moment !—but 'twas hop'd in vain,
Each, cruel, rises darker than the last :
Darker my soul than all—there grief and pain
Wound deep, and far more gloomy horrors cast.
She comes ! Night turns to day before her eyes ;
So perish all my griefs, so rise my joys.

ENOSIA

And art thou here ?—O welcome to my arms !
Welcome as kindly showers to thirsty earth !
Welcome as summer to the fields it warms !
Or plenteous harvests after years of dearth !
Welcome ! as Love can make thee !—O my heart !
See how the little flutterer tells its joy :
A thousand things it struggles to impart ;
Too soft for words, for eloquence too high :
Yet thus its every motion bids thee see,
'Tis full—Menalcas ! O ! 'tis full of thee !

MENALCAS

O my soul's joy ! may I be never bless'd,
If I not love thee—more than heroes fame,
More than the weary traveller his rest,
Than bees the flowers, or ewes the tender lamb.
Thou art my joy, my comfort, my support,
Thy smiles my heaven, thy love my only care,
My all of pleasure this—alas ! how short
To ease the sufferings of the toilsome year !
O Fate ! O Heaven ! how justly I complain !
A moment's pleasure, for an age of pain.

ENOSIA

More than thyself I bear in all thy ills;
But at thy presence all my griefs depart:
That wears a charm, which every care dispels;
And fills with transport thy Enosia's heart.
But see! the rising moon, the paler day,
Has silver'd o'er yon mountain's grassy head:
Thanks for her friendly beams, they'll light thy way,
And safe direct thee o'er the watery mead.
O stay then! bless me, while Fate gives thee leave;
Too, too much time she gives us both to grieve.

MENALCAS

Witness, ye powers, who guard the innocent,
How much my longing soul desires to stay:
Nor should the dangerous moor our joys prevent,
O! 'tis th' hard-hearted man I am forc'd t' obey.
He knows not Love, nor Pity; cruel mind!
Nor can I gain a moment's time for thee;
But stol'n as this, or when I'm sent to find
Some straggler from our folded company.
O stray they ever! the dear wanderers prove
My certain guides to joy, and peace, and love.

ENOSIA

Menalcas, O! thy sorrows wound my soul.
Believe me, generous, dear, unhappy swain,
Could tears, or hourly prayers to Heaven, control
The fate that dooms the guiltless to such pain,
Long since hadst thou been happy! I have cause
Doubly to mourn those griefs I doubly bear:
Tears my own sorrow for thy absence draws,
But thine demands a flood for every tear:
Distracting thought! it will, 'twill fill my eye
With grief that will be seen, though thou art by.

MENALCAS

Tears! my Enosia! O thou sweetest Maid,
Forbear, forbear the cruel tenderness:
'Tis death!—alas! thy hate could scarce have laid
A surer ruin on my sinking peace!
O, must I leave thee thus? Alexis there
Runs from his bless'd Eliza trembling home:
That happy Maid! how is it she can bear
Unpain'd those ills, that all thy peace consume!
But absence is unjustly cruel still,
And those who truest love, its tortures sharpest feel.

ENOSIA

Pines not the constant turtle for her mate,
With mournal coomgs all the tedious day;
While chirping sparrows bear with ease the fate
That snatches th' object of their love away?
Eliza's flame no more can equal mine,
Than can Alexis be compared to thee:
Beauty alone their Love esteems divine,
And smiles from thousand, thousand torments free.
But where exalted merit charms the soul,
There can the stings of absence all our joys control.

MENALCAS

O, justly said! my sad example proves
This fatal truth, whene'er I part from thee·
The mighty joy, that's past, my soul but moves
The more to curse its lasting misery.
So the tir'd pilgrim, while a short repose
Has eas'd his toil, and clos'd his aching eyes,
Sees the wide Heaven a glorious scene disclose,
And, opening, crown him with immortal joys.
But when with sleep his Heaven is fled away,
More sad, pursues the labours of the painful day.

Soon after his father's death the Marquis's conduct became so outrageous, and he was found so difficult to

control, that his guardians decided it would be best to remove him from the temptation he found in this country and to send him, in the spring of 1716, in the charge of a French Huguenot tutor, M. Dusoul, to continue his studies at a religious institution at Geneva, where he would be under strict supervision

CHAPTER III

ABROAD

(*May–October*, 1716)

The accounts of this continental visit of the Marquis hitherto inaccurate and inadequate—The Marquis, with his tutor, visits Hanover and Cassel—Clavering's account of the young man and his retinue—The character of the Marquis—He goes south, but not so far as Geneva—He leaves his tutor and proceeds to Paris—His character at this time—His insolent humour—His blasphemy—He is rebuked by Mr Gwynn—He embraces the Jacobite cause—Lord Bolingbroke—An "Account of Things concerning Lord Wharton" at Paris—His letters to the Pretender, the Duke of Ormonde, and the Earl of Mar—The Pretender's pleasure at enrolling in his service the son of an inveterate enemy—His gracious reply to the young man—The Marquis obeys his tutor's summons to Geneva—He soon leaves Switzerland—His parting gift to his tutor—He goes to Lyons—He writes to the Earl of Mar again proffering his services to the Pretender—He offers to furnish a regiment of horse, and asks for the Garter—He is invited to visit the Pretender at Avignon—His audience with that Prince—His presence at Avignon kept secret——A mission to the Landgrave of Hesse-Cassel.

THE accounts, hitherto printed, of the visit of the Marquis and M. Dusoul to the Continent in 1716 have been extraordinarily brief. It is generally related that the travellers visited some German Courts, including Hanover; that they went to Geneva, that there the Marquis left his tutor; journeyed to Lyons, whence he made overtures to the Pretender, who received him in audience at Avignon; stayed awhile at Paris; paid his respects to Queen Mary, the widow of James II., at St Germain's, and returned to England. In the light thrown by the Stuart Papers at Windsor Castle, however, this narrative

requires considerable modification; and the story o the Marquis abroad, and especially of his relations with the Jacobites, until now dismissed in a few paragraphs, can for the first time be given in full

That the Marquis, accompanied by M. Dusoul, went to Hanover, and also visited the Landgrave of Hesse at his capital, and was in each place well received, there is direct evidence.

J. Clavering to Lady Cowper

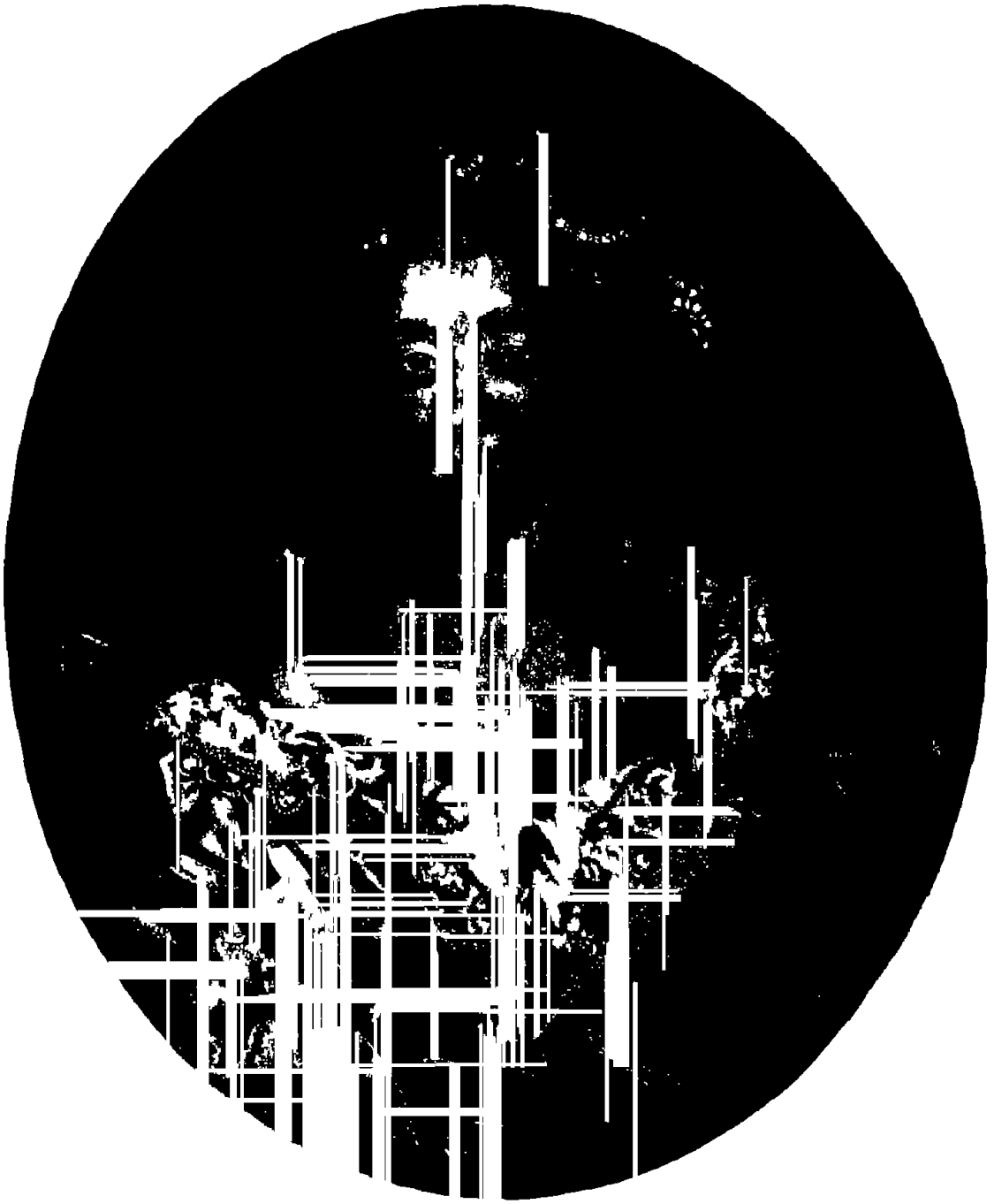
HANOVER, *June 7*, 1716.

His Czarian *Majesty*[1] did us the Honour to pass by *Hanover* twice, and stayed two or three Days at *Herrenhausen*, a Country House of the King's, about an English Mile [from the town], so I had the Honour to eat at his Table several Times, which I was not very ambitious of, for he never uses Knife or Fork, but always eats with his Fingers, never uses a Handkerchief, but blows his Nose with his Fingers; therefore you may guess how agreeable it is to be in His *Majesty's* Company. He has a Scotch Gentleman with him, Cousin of the late Lord *Mar*, who is both Chamberlain and Physician (but a rank Jacobite), who told me that Lord *Wharton* had promised the *Czar* to go with him as Volunteer when he makes the Descent in *Schonen*. His Lordship has received a great many Presents from the Landgrave [of Hesse]—a gold Snuff-box, with his Picture; five brown Horses for a Coach, two others to ride upon. He lives very magnificently at *Cassel*; has six Footmen, a running Footman, a Valet de Chambre, a Secretary (for he will not allow People to call him his Governor), two Sets of Coach-horses, &c. All this is to be done out of 10000*l.* a Year, which is his Allowance. I am certain if he lives two Years, he will spend every Farthing he has in the World.[2]

For the lad many excuses may be made. He was but

[1] Peter the Great.

[2] *Diary of Mary, Countess Cowper*, 194.



MARY OF MODENA
From a mezzotint by Smith after V de Sargullière

seventeen years of age, which is an excuse for any folly. He had been unwisely brought up, being compelled to devote so much time to his books that he had no leisure for the healthy sports of boyhood. Though strictly disciplined in many respects, he was at the same time spoilt by his stern, doting parent, who praised him unduly for his remarkable gifts. What the father did unwisely, it is certain that his father's dependents did to an extent still greater. He was surrounded by adulation for his precocious talents, and he became a favourite everywhere through his good looks, his brilliance, and his humour. Then he became a Marquis, with an income of eight to ten thousand pounds—in those times representing a purchasing power far greater than the same sum represents to-day—and the certainty of inheriting his mother's jointure of six thousand a year. It is not surprising, therefore, that he was already imbued with a sense of his own importance, and this feeling was not diminished by the attention paid to him by foreign potentates. Already his head was turned, and he would brook interference from no one. It is true that he went with M. Dusoul farther south than he wished, but he refused to follow the original plan and go to the religious establishment at Geneva. He felt himself a man, and was not willing to continue in a state of pupilage. On the confines of Switzerland he took an abrupt leave of his harassed tutor, and hied him to Paris, where he threw himself wholeheartedly into the gaieties of the city.

At Paris, in the English Coffee-house, he made the acquaintance of a Mr Gwynn, with whom he became so friendly that the day after their meeting he visited him in his room, which was at the top of the house. "Sure," said the lad, "I hope this is not the way to Heaven, for if it is I'll run downstairs again." Continuing in this vein, he told Gwynn that he liked his company, and

begged him to go with him to hell, where he was to be Lord of the Bedchamber to the devil; but he expressed the belief that his host was not wicked enough to be admitted, undertaking, however, to pray for him. Gwynn said drily that he was much obliged, and hoped the Marquis would find a great many better friends there before him. Evidently the visitor spoke slightingly of the Pretender, for the following morning Gwynn called on him, and desired him to refrain from blasphemy and disrespectful talk of King James III, lest his Lordship should get into more quarrels at the English Coffee-house than all the Whigs in Paris could get him out of. For his own part, Gwynn added, he would listen to no abuse of the King, and must deprive himself of the pleasure of the Marquis's company. That night Lord Wharton went to the Dutch Coffee-house; but being assured by his mentor that no man would affront him if he did not attack the Pretender, he returned to his former haunt.

After this, Gwynn doubtless sang the praises of the Pretender, for the young man now espoused the Jacobite cause, to which hitherto he had shown no leaning. He gave Gwynn a hundred livres to distribute among some English Jacobites in pecuniary distress in Paris; said he was a Protestant and would die one, and that since he was convinced of King James's intention to protect the Church of England, he would sacrifice his life and fortune in the effort to secure the restoration of the rightful monarch. He begged Gwynn to procure for him the honour of kissing the Queen's hand and delivering to her a most submissive letter to the King, humbly begging pardon for himself and his family. This Gwynn promised to do, and he reported the matter to Avignon, where the Pretender held his Court, stating that since the Marquis had made this request, "that Lord had behaved himself both in private and public as violent a

Jacobite as any in Paris, even to have quarrelled once or twice with Whigs on the King's account." [1]

To this incident special attention must be given, for it shows that the Marquis was in communication with the Pretender, at a date earlier than has been given by other writers. It is difficult to say if the Marquis was sincere in his protestations to the exiled Prince, whether the romance of the affair appealed to him, or whether he embraced the cause for the sake of excitement. He had dined with Lord Bolingbroke on August 23, and it is not likely that his host urged him to throw in his lot with a Prince who had in March dismissed him from his councils, in spite of the Duke of Berwick's emphatic declaration, that Bolingbroke had done all that was possible for the cause. Queen Mary had, indeed, tried to effect a reconciliation, but Bolingbroke exclaimed, "May my arm rot off if I ever use pen or sword in their service again" Two days later the Marquis was with the Duke of Leeds, and, so runs a passage in an "Account of Things concerning Lord Wharton," "after dinner called one of the company to walk in the garden to talk of serious affairs as he pretended, and addressed himself to a negro servant he has, saying, 'Scipio, here am I making conditions for you and myself, for you shall be a Page of the Backstairs to the King, and I must be made a Duke and have the Garter.' The gentleman answered that such discourse was very silly, chiefly before so mean a servant as the black, who doubtless would make a jest of it with his comrades. The Lord answered, 'By God, he was in earnest,' which gives way to suspect that either he was not sincere in his conversion, or that he is entirely changed again by Mr Winnington, who does not quit him one minute by day and lies with him by night, notwithstanding the said Lord is distempered. Mr Winnington is nephew to Lord Oxford, and is said to be here about his

[1] *Stuart Papers at Windsor Castle*, iv. 58-9.

uncle's business. He is daily with M. de Torcy and Lord Bolingbroke, and carries Lord Wharton frequently to secret meetings with Lord Bolingbroke." [1]

Gwynn's letter was received at Avignon on August 29 but before this arrived the Marquis, spurred by what motive who shall say, had taken the matter into his own hands, and had written to the Pretender asking for an audience. At the same time he entreated the Duke of Ormonde [2] and the Earl of Mar [3] to use their influence on his behalf at Avignon, addressing them both in much the same strain

The Marquis of Wharton to the Earl of Mar

PARIS, *August* 21, 1716.

I have by this post written a letter to the King in which I make all imaginable submission to him, and declare myself for him against all his enemies whatsoever. As I had the honour formerly when young to see you in England, I beg you will be my patron about his Majesty. I ask nothing of the King till he finds I merit it, but don't doubt of your friendship in everything.[4]

The Marquis of Wharton to the Pretender

PARIS, *August* 21, 1716.

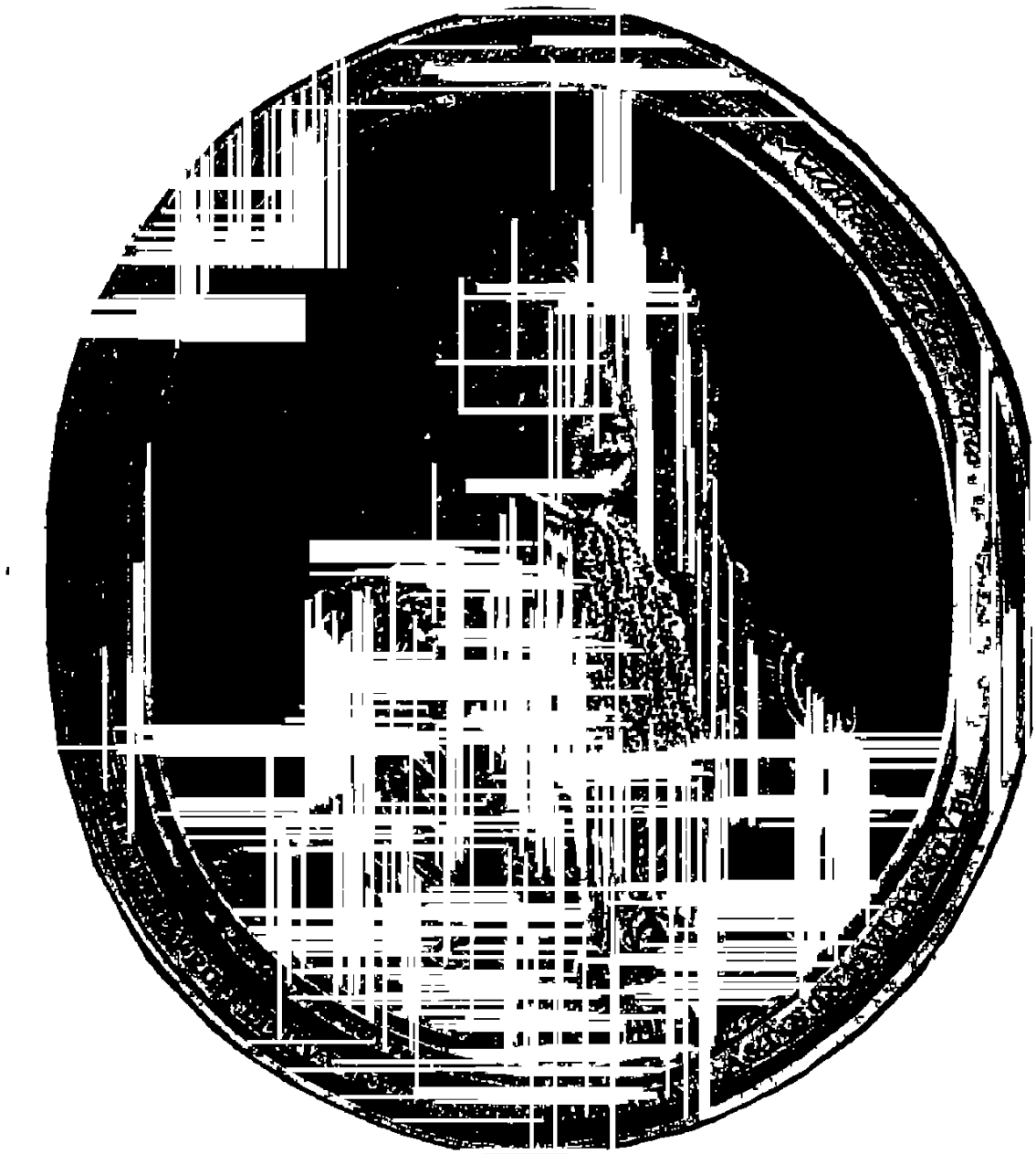
The mercy your Majesty has shown to those of my fellow countrymen who have acknowledged at length your just and undoubted title to the crowns of your royal ancestors, and the tenderness with which they have been received by you since their return to their duty, encourages me to bow myself at your royal feet most humbly to implore your pardon for my past offences and

[1] *Stuart Papers at Windsor Castle*, iv 66

[2] James Butler, second Duke of Ormonde (1665-1745)

[3] John Erskine, sixth Earl of Mar (1675-1732), created by the Pretender Duke of Mar.

[4] *Stuart Papers at Windsor Castle*, II. 360.



THE PRETENDER
From a print in the possession of A. M Broadley, Esq

those of my family, and to assure you that my future behaviour shall give convincing proof of my sincere and hearty repentance.

In the first place you may depend on my being obedient in everything your Majesty shall command me, as far as is consistent with a freeborn Englishman, who makes the laws of the land the rules of his loyalty, and, whenever it shall please God to preserve those laws by placing your Majesty on the throne, no one shall rejoice more at so blessed a change than myself, and, till that happy time be come, no one shall venture more towards it, for my life and fortune shall be at your disposal As I have been educated in the Protestant religion, so I am persuaded your Majesty will always protect the Church of England, and I dare venture to say no Catholic of your subjects shall serve my King and country more faithfully than I.

I have left my governor in Switzerland, and, instead of going to Geneva as intended by my friends, have come hither to make my submission to your Majesty and shall wait here to know what you would have me to do. If it be to declare openly for you, as I hope it will, I shall immediately repair to Avignon, and shall demean myself there as you shall direct. If otherwise, I am ready for all. I hope to be able, if you honour me with a commission, to be able to join your Majesty with a considerable body of men.[1]

These letters gave great satisfaction at Avignon. Although the Marquis was but seventeen years of age, it was thought by the Pretender and his adherents a great stroke of policy to secure him for the cause, since not every day, especially since the disastrous rising of '15, did a nobleman of high rank and great wealth offer his services The Prince, too, must have had a malicious delight in enrolling among his adherents the son of one who had been so resolute a supporter of the Revolution of 1688. The answers returned to the Marquis were, consequently,

[1] *Stuart Papers at Windsor Castle*, II. 360-1

most gracious The Earl of Mar expressed his pleası at the letter he had received from the Marquis, and hoţ to see him an eminent instrument in restoring his Kı and country to their just rights, and he added that wh his Lordship came to know his Majesty personally, would be thoroughly convinced how happy the Engl people would be in having such a Prince to reign o' them. The Duke of Ormonde wrote also in the sa way, expressing his conviction that it would be impossi for the nation to be happy but under a Prince who had many great and good qualities.[1]

The Pretender to the Marquis of Wharton

AVIGNON, *August* 29, 1716

It was a sensible satisfaction to me to receive your lo letter the Queen sent, and to be confirmed from yo self of what she wrote to me of you. Your sentime are received by me as you could wish, and well dese not only an ample forgiveness of what's past but an en forgetfulness of all the mistakes of your family You young enough to have time to repair them, and, I persuaded, you will do your best towards it. If the l of the land are the rules of your loyalty, you may be s they will be the rules also of my government, and security of the Protestant religion under it ought to very manifest to all thinking men, especially when tl consider all the assurances I have given on that ha and to which assurances I am resolved to stick inviolab

The Pretender in this same letter advised the Marc not to make public his adherence to the Jacobite ca not to return to England, or to remain too long in Pa from which city his friends might summon him to ret home, but to make the tour of France, beginning Orleans and Bordeaux, after which he could pay a v

[1] *Stuart Papers at Windsor Castle*, II. 391. [2] *Ibid.*, II. 390.

privately to Avignon; and he suggested further that, as M. Dusoul was in Switzerland, the Marquis should take with him a Mr Panton, who could speak French, and was a discreet person.

Before these replies came, however, the Marquis had had to go to Switzerland—perhaps summoned peremptorily by his tutor, a summons he may have obeyed owing to the necessity of obtaining some money. Whether he secured funds cannot be said; probably he did, for his stay there was not of long duration

J. C[lavering ?] to the Duke of Montagu

PARIS, *September* 10 [20], 1716.

. . . We have an account that Lord Wharton is returning, he has purchased a young bear, that he brings behind the coach. . . I have seen another epistle of his which was forwarded to Lord Trevor, whom he does not know, telling his Lordship, that, being married at his father's death, his father could not appoint him guardians, and that he understands that by law he may choose new ones. If he can, he names his Lordship, saying those he has cheat him because he differs from them in principle, which he hopes will not be an objection to him from his Lordship.[1]

The Marquis did not bring the bear with him, for when he came away from Geneva without warning he left it behind, to be given after his departure to M. Dusoul with the following note: "Being no longer able to bear with your ill-usage I think proper to be gone from you. However, that you may not want company, I have left you the bear, as the most sociable companion in the world that could be picked out for you" The ill-usage must have been a figment of the lad's brain, for his tutor, it is clear, had no control over him, either in the matter of

[1] *Buccleuch MSS.*, 1. 363

his expenditure, the composition of his retinue, or in movements. The Marquis posted from Geneva to Lyc where he put himself again in communication with Pretender.

The Marquis of Wharton to the Earl of Mar

LYONS, *September* 25, 1716

My business called me into Switzerland, before I co receive your answer to my letter transmitted by Queen Mother, and my impatience is so great to rece the King's commands touching my future behaviour t I cannot forbear desiring you would send me an ans by the post

My former was only intended to open the way tc good correspondence between us, and, as I flatter my it has had the desired effect, I am vain enough to bu on these hopes, and to open myself to you with all freedom that would become a dutiful son to a kind fath and I request you to look on what I shall say, not o with the eyes of a Secretary of State, but also with th of a friend

I am not insensible of the surprise you must have be in when you first received advice of my return to my du and that you could not thoroughly think such an alte tion so sincere as you shall find it. My father's zeal the usurper, and his share in supporting a cause, wh for his sake I will not give the deserved epithets probably raised in your mind a mistrust of my loyal but his Majesty is too just to let me suffer for the fau of my ancestors, and you are too well acquainted w the principles of honour to imagine I could be so ab doned a wretch as to put on such base hypocrisy. Ho ever, to satisfy you both, I do solemnly protest a declare, and take God Almighty to witness, that I v always to my last breath serve nor know no other Ki of England but James III. and his lawful heirs. Whe ever I depart from his interests, which now are, and hope, always will be, inseparable from those of r country, may the same God Almighty pour His mc

chosen curses on me and mine. I beg this letter may be kept with care, that, if ever I should depart in the least from my present sentiments, it may rise up in judgement against me, and show me to be the least of mankind.

Thus I refer entirely to his Majesty's decision to know what part he would have me act for his service, for I shall not scruple doing anything fit for a man of honour, and I am sure I shall receive no directions from him but what will help me to fulfil that character, for, as the old English proverb says, honesty is the best policy. If he thinks I can best serve him by declaring openly for him, I will soon be at Avignon, and I am of opinion such reasons may be drawn up for it as will have some weight with many people, and this would please me most: 1st, for having the honour to be near his royal person; 2ndly, it being in my opinion more agreeable with the frankness that becomes a man of honour. On the other hand, if my disguising my sentiments be thought more proper, I will do it as much as possible; in short, you may depend on my doing everything that shall be thought right.

I have already given such directions to my emissaries in England as will serve to discover the sentiments of all my friends, and find by their reports that, though several have assured me of their fidelity, yet others scruple coming into my designs till I could produce a commission from his Majesty. I desire therefore you would enable me to get through this difficulty by putting me in that station in the army you think most fit for me, and I engage to furnish at a week's warning a regiment of horse at my own expense. I have arms enough for them (those which my father used in the late rebellion in 1688), and I am sure that the county of Buckingham will universally follow me besides my sway in Westmorland and Wiltshire and part of Yorkshire, and, if we ever see another Parliament, I am sure of getting 14 of my friends elected, which you may learn by anybody that's acquainted with my family. I shall also settle my affairs in England so as to enable me from time to time to assist my distressed countrymen with money, which I will pay to whomsoever you shall appoint at Paris, where I shall pass the winter

Postscript—You may, if you think proper, communi-

cate this letter to the King, and I wish you w
send a gentleman you could trust to me at the Par
Lyons, to whom I might say several things of consequ
I cannot trust the post with.

Now I have disobliged my friends, angered my relati
and thrown myself into your party entirely, I hope
will pardon the ambition of a young man if I desire s
monument of my loyalty may be transmitted to
family, and, in order to it, that I may be honoured
the Garter, an honour I should have had, had I contir
in the usurper's interest, and which I am sure the K
will never repent bestowing on me, and I will pro
his Majesty never to declare or wear it publicly till
for his interest I am the more desirous of havin
at this time, because I esteem it a much greater fa
now than after the restoration [1]

It is to be observed that the Marquis already bega
ask for rewards in return for his promises of suppo
practice among the Pretender's adherents so comr
however, as scarcely to call for comment. Yet Q
Mary, to whom Lord Mar sent the young man's le
could not refrain from an expression of regret that
new recruit was, in this respect, like all the rest.

Queen Mary to the Earl of Mar

CHAILLOT, *October* 6, 171

. . I am charmed with Lord Wharton's letter to
non can be better written nor mor loyall; if the last
had been wanting, it would have been mor generous
quite perfect, but wher is the man in the world tha
entirely so? [2]

It was not thought politic by Lord Mar to express
disappointment felt at Avignon that the Marquis was
entirely disinterested, and a tactful reply was sent.

[1] *Stuart Papers at Windsor Castle*, ii. 471-3. [2] *Ibid.*, iii. 25

The Earl of Mar to the Marquis of Wharton

AVIGNON, *September* 28, 1716.

It was with a great deal of pleasure I had yours of the 25th this morning, which I read to his Majesty, who could not but be pleased with a letter so full of loyalty, and the more that it was from you, and so suitable to what you wrote him before. I enclose a copy of the letter he wrote you before by which you will see how graciously he took your acknowledging your duty, and the regard he has for yourself and what regards you by the kind advices he gives. By the date you will see he was not long in answering yours, but you having left Paris before it came there, of which the Queen gave him an account, she keeps it to deliver when you arrive there.

The Duke of Ormonde and I wrote to you at the same time, and you will receive them with the other. I am very proud of the honour you do me in looking on me as one who will be your friend, which you shall always find me very sincerely, and desirous of an occasion to convince you of it.

I believe you, as the King does, to be very sincere in your professions of duty, and I hope the day will yet come when you will have no cause to repent of your resolution of attaching yourself to his Majesty's interest, which I look on as the same as the interest of our country, as is now, God be thanked, generally thought in Britain.

As to what you ask about your future conduct, his Majesty refers you to what he wrote in that of which the enclosed is a copy, only there's one thing which differs a little now from what it did when he thought you were in Paris, that is, about your waiting on him yourself. It is certainly both for his interest and yours that, when you do, it should be very privately and known to very few. He thought your coming directly from Paris hither could not be done with the necessary privacy, but, now you are at Lyons and it's publicly known you have been at Geneva and are returning for Paris, makes it perhaps as private a way as any to come straight hither, without letting anybody know where you are gone. When you are come that length, you may stop at Villeneuve, which the river

only divides from this, and so come over in the evening see the King privately, and return the same night to Villeneuve, and so back to Lyons and Paris, where it will easily pass that you have been only at Geneva, but you should come under another name than your own. So the King leaves this entirely to yourself

As to the commission of a colonel of horse you ask, the King has ordered me to expel it immediately, so you shall have it very soon, and soon may you have occasion to use it, but for many reasons you should not discover your having it to anybody, and amongst the rest the danger to yourself It would alarm the Government at home, and make them believe the King was preparing for some new attempt, which would be a handle for their strengthening themselves and of further oppressing those they suspect to be in the King's interest.

The King says that, were he settled in his throne, he would be very glad to show a mark of his favour to you and your family for your so remarkably returning to your duty, but, as to the Garter, at this time several are asking for it, and seeing many inconveniences in granting their request, he has put them all off as being against his resolution to dispose of anything of that kind while he is here; but that, on his restoration or making an attempt towards it, you may depend on his giving it you, and indeed this is equal to what you propose, for it would be that time before you could own or use it, but, that others who are now asking such promises may not take exceptions, he expects you will keep this entirely to yourself.

As your Lordship desires, his Majesty is to send a gentleman to-morrow morning, to wait on you at Lyons, where he may be on Wednesday night. He is a very honest pretty man, whom you may entirely trust; his name is Erskine, brother to the Earl of Buchan, though not of his principles, and I hope he will not be the less acceptable to you that he is a cousin and a friend of mine. If you think of coming here, he will conduct you.[1]

The Pretender sent from Avignon, on September 29, Erskine to meet the Marquis at Lyons. "I saw Lord

[1] *Stuart Papers at Windsor Castle*, ii. 486-7.

Wharton first yesterday morning, who received me with great civility." Erskine wrote to Mar from Lyons, October 2, " and I discoursed with him very freely. He is determined to be at Avignon on Sunday night, which we shall manage in the privatest way possible " [1]

The Earl of Mar to Queen Mary

AVIGNON, *October 7*, 1716

. . . Enclosed are some papers you sent the King, and a letter of Lord Wharton's to me with my answer, the last two you'll please return. Since that he was here privately himself, as he'll soon let you know. He conversed a long time with the King, who was very well pleased with him, and he charmed with the King. The Duke of Ormonde and I had a great deal of discourse with him, but his being here is known to very few besides, and indeed must not be. I wish he may keep the secret himself Considering his years he has very good sense, and time will take off anything he has of wildness and extravagance He says he is resolved to take himself up and live very discreet and at little expense. He had an eye on Mr Panton before he knew of the King mentioning him, and had him spoken to, but he would not do anything without he was desired to by his guardians, and Lord Wharton has heard of his being Catholic, which the King did not know when he wrote of him, so he is no more to be thought of My Lord pressed me to recommend to him some one of our people, fit to be a kind of humble companion and capable of doing business for him, such as writing letters, etc. I knew none myself, but am told there is one Alexander at Sens or Paris, who was at Preston, and made his escape, a very pretty honest fellow, and of letters and used to business. One here who knows him is to write to him, and my Lord is to speak to him himself at Paris.

He has no mind to return to England at present, nor is it fit he should, nor seemed he much inclined to stay at Paris, and, on his asking our advice, the King, the Duke

[1] *Stuart Papers at Windsor Castle*, iii 7

of Ormonde and I, all thought the fittest place for him to go to is the Landgrave of Hesse's Court, where he is very well acquainted, and I fancy you will approve of this. The boy has it mightily in his head to be considerable at home, by keeping up his Parliament interest, which is very great, but mostly of the Whig side, many of whom he is persuaded, he'll be able in time to bring over to the King's interest, they being angry with the government already, particularly Mr Lechmere, who is a mettled fellow and one of his guardians. He thinks too he may be of some use to the King with the Landgrave, he being already well inclined for his Majesty. He can do no hurt there, if he do no good, but, if he be really as well at that Court as he pretends, I hope he may be of use. We have cautioned him not to go there till [King] George has left Hanover, because it would look too remarkable if he did not go to Hanover, too, which he would not do, even if it were otherwise fit.[1]

The Pretender to the Marquis of Wharton

AVIGNON, *October* 11, 1716.

I extremely approve of your design of passing some time at the Court of Hesse-Cassel, in which you might render me some service, as that Prince formerly appeared to you well disposed to me, and as he should at present be more inclined than ever to favour me. His connection with Sweden is close, and the differences between the latter and the Elector of Hanover may perhaps have consequences that may give the Landgrave some opening to render very essential friendly offices, especially if one regards the nearness of his states to those of the Elector. You easily see by this how important some day that Prince's friendship may be to me. Therefore I beg you to neglect nothing to endeavour to engage him in my interests.[2]

The Landgrave of Hesse-Cassel was not a very impor-

[1] *Stuart Papers at Windsor Castle*, III 37-8 [2] *Ibid*, III 37.

tant person, but he bulked largely at the moment in the minds of those at Avignon, for it was thought that it might be desirable to arrange a marriage between his daughter, the Princess of Hesse, and the Pretender If this plan was decided upon, then the Marquis was to be entrusted with the negotiations, and the matter was broached to him during his audience with the Pretender.

The Pretender to the Duke of Ormonde

JULY 6, 1719.

I remember very well that Massfield of Hornby [a marriage with the Princess of Hesse] was mentioned to Mr Wake [Lord Wharton], but I can be positive that no direct proposition was made by him, because Carolina [the Princess Palatine], whose name I believe you remember, was not then off the *tapis*.[1]

Though the time was not then ripe for the matter to be discussed with the Landgrave, it was thought desirable to prepare the way for friendly negotiations, and, without any reference to the ultimate object, the Marquis presently put himself into communication with his Highness.

[1] *Stuart Papers at Windsor Castle*, IV. 433

CHAPTER IV

THE MARQUIS OF WHARTON AND THE JACOBITES

(*October-December*, 1716)

The Marquis's visit to the Pretender kept a secret—The Jacobite policy of secrecy adversely affects the cause—The Marquis's Circular Letter to the Freeholders—M Dusoul urges his charge to rejoin him—The Marquis returns to Paris—His correspondence with the Pretender and the Earl of Mar—His letter to the Landgrave of Hesse-Cassel—He is persuaded to visit Lord Stair, the British Ambassador—He is received very cavalierly at the Embassy—He asks the Pretender to create him a Duke—A prank—His debts—His guardians stop supplies and summon him to England—His further correspondence with the Pretender and the Earl of Mar—His request for a dukedom granted—He communicates again with the Landgrave and his Prime Minister—He leaves Paris for Calais—Concerning the title of the Dukedom he desires—Letters between the Marquis and the Earl of Mar—The Marquis's famous retort to Lord Stair.

THE visit of the Marquis of Wharton to the Pretender was kept so secret that Lord Mar, writing immediately after the young man had left Avignon, did not allude to it even in a letter to one of the staunchest adherents of the exiled Prince.

The Earl of Mar to William Gordon

OCTOBER 8, 1716.

. . . I hear Lord Wharton has been at Geneva and passed by Lyons for Paris where he will be soon, if not as soon as this. I have a packet to send him that I'll put in a cover to you, but you must take care to let nobody

know it, in case of its doing him a prejudice, and I wish he may keep his own secret, as I believe he will.[1]

The secrecy observed in all matters by the Pretender and his advisers was, it may be suggested, one of the weak points of the Jacobite cause. There was so much underhand intrigue at headquarters, and the restrictions placed upon the supporters of the Prince were so numerous, that many were disgusted and eventually accepted the Hanoverian dynasty, that, at least, conducted its affairs in a more open manner. Here was a young nobleman, enthusiastic, anxious to blazon forth his convictions, desirous to enlist further converts, being urged on all sides to hold his tongue and conceal his opinions. His rashness was complained of by Southesk and others, his discretion doubted at Avignon; yet the only rashness and the only indiscretion apprehended was that he would express his belief that the Pretender was the true King of England. Many men who would have given their lives and fortunes, became lukewarm supporters of the cause when they found that they were not wanted as open adherents. They were told that they were to keep quiet until they received instruction to proclaim their belief: that is to say, they were to behave as traitors. It was a position from which the best men eventually withdrew.

The Marquis of Wharton to the Earl of Mar

LYONS, *October* 10, 1716.

I enclose a circular letter I have drawn up to disperse amongst my friends in England, which I desire you will look over and make such alterations in it as you may find necessary, and send it to Paris with the other papers you promised me. Such a letter would certainly prepossess the freeholders in my behalf and prevent the

[1] *Stuart MSS.*, iii. 47

malice of my enemies. I also enclose a letter from him who was termed my governor. I have returned a bantering answer. I wish some care could be taken to fix those two young noblemen, who, he says, are gone to Turin, in the right interest, and perhaps some of your friends there may do it effectually.

It would not be improper, if in a letter to me you mentioned Mr Berkeley and Sir William Stapleton with kindness, they being both well inclined, but a little poisoned by Bolingbroke.

I have sent for Moor, whom I mentioned, to meet me at Paris, and shall in all things conform myself to the King's directions. Winnington fancies I have been at Avignon, but it is only fancy.[1]

[*First Enclosure*]

The Marquis of Wharton's Circular Letter to the Freeholders

October 10, 1716.

I am not without suspicion that my enemies will take the occasion of my absence to execute their designs, yet I am somewhat at ease considering that you who are my friends are too just to hearken to false and groundless stories.

In the first place I repeat that I will always stick to those principles of liberty and property on which my father acted to the end of his days. If this be a crime, I shall always be proud of owning myself guilty of it.

Those principles created in me an abhorrence of the Septennial Act which, I am told, is mentioned to prove I have changed my party. I am sorry for the sake of the gentlemen who voted for it to be forced to affirm that the continuance of the present Parliament is depriving the subjects of their birthright, and that for the four last years of their sitting the House of Commons is no longer the representatives of the people but represent themselves, since they will sit by their own election.

It is hard to determine whether this Act is most per-

[1] *Stuart Papers at Windsor Castle*, iii. 61-2.

nicious in itself or by its consequences, for a Parliament will have no greater weight than a Privy Council, since it may be continued or dissolved as the Court pleases, and thus is the whole legislative power devolved in a manner on the Crown.

What makes the evil still greater is that it is done under the plausible pretence of saving the constitution. Things are come to a sad pass when destroying the third estate is found necessary to secure the Government. I appeal to you whether opposing this innovation is not consistent with the principles above-mentioned and my father's maxims, who was always for triennial parliaments. Though our ancestors lived happily under long parliaments, yet they never suffered a Parliament to continue itself, and the corruption which is now so very great was hardly known then. The more that evil grows, the more it is necessary to oppose it, and the Triennial Bill was justly looked on as a measure towards it.

Another thing I am blamed for is my appearing so concerned at the manner the English peerage is prostituted. It appears to me very strange that those who impeach a minister for advising the making of twelve peers, should justify his mistake by making above that number since. This is most sensible to me, who am to have the honour of sitting in that House, and am very sorry to see it should be filled with anybody whose father was no gentleman. I would not be thought to reflect by this on those lately made peers, but only on the ministers who advised the making of them.

I have also expressed much indignation at the power vested in the Crown to have criminals tried where the King pleases, which is manifestly making him master of our lives and fortunes, and English subjects may as well be carried and tried for treason in Scotland and by a Scotch jury as the Scotch brought to be tried at Carlisle.

Still worse is the condemning without judge or jury, or even the forms of trial, several persons to be transported, and the pretence for this illegal step is as bad as the thing itself. They say these unfortunate gentlemen owned themselves guilty, which is so far true that many of them

have by cruel usage been forced to sign indentu
slavery, and others who have hitherto refused ar
treated with the greatest barbarity. If they deny
I believe I may procure Secretary Stanhope's lett
prove it. This unheard act of arbitrary power am
to no less than the torture in Germany

I look on the sending a fleet to the Baltic agains
Swedes as a notorious breach of public faith an
invasion of the liberties of the people There is a
and solemn alliance between England and Sweden
the Limitation Act expressly forbids King George c
heirs to engage us in any war for his territories in Gern
and yet we see both these engagements openly br
without even the advice and consent of Parliament
the Duchies of Bremen and Verden might be added t
Electorate. It is pretended that the Swedes have
mitted several acts of hostility against those of our n
trading in the Baltic, but not one English ship has
touched by them but what was transporting provi
to their enemies, which is lawful by the right of na
and is what was done by us to them during the late
with France, but this is a pretence for executing
treaty with Denmark, which gives King George
sovereignty over these countries, in which he un
rantably engages to send a fleet to their assistance ag
our old and faithful ally

Not content to increase our debts by the great nur
of forces he keeps on foot, they make us pay taxes
to serve his Electorate.

I need not mention the standing army, for argum
to prove the fatal consequences of this are needless.
part you acted in 1688 sufficiently shows your sentim
as to that.

My dislike of these proceedings is intended to
dressed up in such colours as might justly have alar
my friends, had I not taken this method of setting
opinion in a clear light. I have shown you as plainl
words can make it, that I act on my father's princi
and am as great an enemy to Popery and arbitrary po
as he was. I desire, if anybody even of my nea
relations pretends to answer this, that you will o

yourselves to me as freely as I do to you and let me know it, that I may confute their fallacies.[1]

[*Second Enclosure*]

M. Dusoul to the Marquis of Wharton

GENEVA, *October 7*, [1716.]

That you may so govern your actions, and so employ these two or three years, that they may not spoil the rest of your life, but be a means to make it glorious, useful and comfortable, is the earnest desire of all that wish you well, and would see you happy. What precious advantages has nature given you for it! Nobility, estate, natural parts improved by education, a great interest made to your hands by your father's indefatigable labours and steadiness to the true interest of his country! And shall all this be lavished out by a mere fancy, or a poor impotent desire of gratifying some little passion? No; I hope you are already, or will soon, come to yourself again, and see your true case and interest, and that you will consequently for the future act in concert with your person's and family's true and old friends. If these be your sentiments, pray remember you have one ready to serve you in anything he can do for your honour and advantage.

I hear you are at Lyons still. Perhaps you have considered better and stopped. I wish it may be so. Pray let me hear from you. If you don't like this place, you may be at Lausanne, or some other place in these parts, till you and your friends agree upon what is to be done further, and in that case, I believe I could be serviceable to you I hear an accident has happened to some Englishmen, in which you had no share For God's sake have a care of ill company and the dangers it draw into.

Lords Burford and Nassau Pawlet are gone by this place to Turin, where they are to be in the Academy.[2]

[1] *Stuart Papers at Windsor Castle*, iii 547-8. [2] *Ibid*, iii 62

The Earl of Mar to the Marquis of Wharton

October 12, 1716.

I waited to hear of your being at Lyons before sending the papers I promised you to Paris. I had yours of the 10th this morning, and the draft of the letter you propose to send into England, which I return, gave me a great deal of satisfaction. It cannot be made better. The spirit it is written with shows it is your own, and worthy of a true Englishman, and it cannot fail of doing a great deal of good. The King and the Duke of Ormonde are extremely well pleased with it. We are only afraid on your account, that it may be made use of by the government against you, therefore you ought to take great care in sending it and having it dispersed among your friends. If you can confide in Moor whom you have sent for, it would not be a bad way to give him the letter signed by yourself, which he might show to such of your friends as you should direct him to, and but to one at once, and he might give as many copies of it as there is occasion, and it would not be amiss he destroy or send you back the original by a sure hand. I but suggest this, and very likely you may think of a better way.

Enclosed is a letter from the King, which would have been in his own hand had he been in a condition to write, and you will find it answer fully what was intended by it. I hear [King] George is soon to leave his own country [Hanover]. If so, I suppose you will soon go to that neighbourhood. The cipher being made in a hurry is not so methodical as it ought, but will do for want of a better.

Mr Erskine's letter to Mr Alexander is likewise enclosed. He is in or near Paris, so you may see him yourself, and then you will be better able to judge if he will be fit for what you propose.

The papers concerning the people going to the plantations are also sent. It is the original of Stanhope's letter as I had it. The protestation sent me was but a copy. The letter from the people is varied a little, because one to me could not be safely produced in England. Therefore I thought it better to send only a copy, and return it,

as if it had been written to somebody in England, where I fancy those papers may do some service.

The copies of the Earl of Bolingbroke's letters to England are enclosed and the remarks on them I have heard since, he has written another of the same strain, but rather worse, which was not very needful I am to have a copy of it, and, as soon as it comes to me, you shall have it also. I have all along avoided saying anything of his affair all I could, but, since he has so notoriously done all in his power to hurt the cause and personally to prejudge the King in so malicious a way, I think no man attached to both has any more measures to keep with him. What his imprudent malice made him do, has had quite the contrary effect he intended, for, in place of hurting the King's cause, it has lost him with his former friends, and, I suppose, has not gained him the esteem, far less the friendship, of the other side. These letters of his with his daily discourse of the King, and of what passed during his being in his service, which, if true, ought to have been buried for ever with a man of honour, shows enough of him to keep honest men from being imposed on by him. If they knew all the story, I am sure none will be so blind.

I hear two pretty young gentlemen, Mr Berkeley and Sir Will Stapleton are at Paris, whom it is probable you may see. I know Lord Berkeley to be an honest man, and I doubt not of his son's being so too. It will be a service to the cause and to themselves if you inform them right of some things, which perhaps they will not have occasion to be otherwise.

Lord Bolingbroke will find in time reason to repent his not following the advice I gave him at Paris, to say or write nothing of all that was past, but wait with patience for a more favourable time of reconciling himself to the King and the party, but I'll say no more of that, though I am sure I am the man on earth, next to our master, who has the most particular cause to be offended with him, as the remarks on his letters plainly show by his neglecting of us in Scotland.

I will write to Turin about the two young gentlemen gone there, but I fear it will be impracticable to do any

good with them, and that they are too far gone in the distemper already. They'll have some scoundrel of a governor with them, and I doubt their having the spirit or sense of a Lord Wharton [1]

The Marquis replied to Mar by asking him to deliver a letter enclosed to the Pretender, and informing him that Bolingbroke was false and treacherous to the Jacobite cause, and " well with those damned rascals, the Whigs '

The Marquis of Wharton to the Pretender

LYONS, *October* 16, 1716.

I have certain advices both from Paris and England, that Bolingbroke's peace is actually made with the men now in power, and that the next sessions of this rebellious parliament his attainder is to be repealed. This was settled at Chantilly between his lordship and Craggs, and Bolingbroke declares that the reasons which induced him to it, are such as I informed your Majesty of at Avignon. I think on his return he will join himself to Marlborough's party, who are at present very much embarrassed by the great credit the Duke of Argyle has with the Prince of Hanover.

I submit to your consideration, whether it would not be of the utmost consequence to have some person at Paris to contradict those false and malicious reports As long as I stay there, I will speak truth, whatever be the consequences, and endeavour to convince the young men there of the falsehood of those stories they give but too much credit to, and I hope to be enabled to do it effectually by the papers the Duke of Mar will send me. I have begun my correspondence both with Cassel and England and hope shortly to be able to give you a good account of both. An honest English gentleman named Hardy is here, just come from England, who, I believe, will find some way to kiss your hand. He was removed from the Navy for his zeal for the common cause.[2]

[1] *Stuart Papers at Windsor Castle*, iii. 69-70. [2] *Ibid.*, iii 85

On the same date as that of the letter from the Marquis to the Pretender, Queen Mary wrote to Mar, saying that "I do not hear yett that Lord Wharton is com to Paris"; but, shortly after, the young man travelled from Lyons to the metropolis, which remained his headquarters until he returned to England.

The Marquis of Wharton to the Earl of Mar

PARIS, *October* 29, 1716.

I came safe hither yesterday, and was very glad to receive both yours I shall find some safe method of publishing the circular letter, and to that end shall wait M[oor]'s arrival.[1]

Mr Ross' [James'] letter to Sutherland [Prince of Hesse] certainly must have a very good effect, especially since the alliance between Kendal [King George], and Bowis [the Regent], which is certainly concluded. I have some reason to think Sutherland will do what may be proposed to him, because, when such an alliance was reported before, he appeared concerned at it, and spoke to me of it. I shall next post write at large to him on this subject and send you copies of my letter, for, since Mr Ross has trusted me in this, he may be assured I shall take no step without his knowledge, and hope he will find by my behaviour in this first affair how sincerely I am attached to his interest. As soon as Kendal returns to Netherton [England] I shall forthwith go to Sutherland. If he makes any stay where he is, as it is said, I will find means of knowing Sutherland's pleasure and dispositions, though at this distance.

Mr Cranston [Bolingbroke] sent me a compliment soon after my arrival, which I answered coolly and declined seeing him. He recommended a servant to me, and my answer was I would take no spies in my family. He takes great pains with the other young men, but I will

[1] This letter and many others were written in cipher. In the cipher the Marquis of Wharton is alluded to as Wendebank, T. Worsly, Windram, Wake, Issac Mercer, and W. Coatsby, junior.

answer for them that no report can alter their zeal f the common cause. This was the answer of those me tioned in your letter, when I showed them how kind you take notice of them.

The way by which Cranston is to return will soon l made by an amnesty, which Kendal is to publish for those not actually with Mr Ross. This piece of news well grounded.

My private affairs will soon be settled on a good foc I shall take a house here and live in a discreet dece manner, and I believe I shall prevail with Owens to li with me, which will be of great use to me on all account

I am extremely glad Mr Ross is so well after tl operation.

I shall next post write to the gentleman and send hi a copy of my letter to Sutherland and hope you will giv my humble duty to him, and my service to Mr Cruchtc [?Ormonde] [1]

The Marquis of Wharton to the Pretender

PARIS, [*November*] 4, 1716.

It being very certain that the Duke of Hanover w not return till the spring to England, and the affairs the North being in great confusion by this late differen between the Czar and the King of Denmark, I thoug no time should be lost in making application to the Cou of Cassel, and to that end I have prepared a letter to tl Landgrave which I have enclosed to the Duke of Ma which (if your Majesty approves it) I think to send Mr Sparre, the Swedish ambassador's, packet. I sha have a good pretence to give him this trouble, because was particularly acquainted with his brother, who, believe, is still at Cassel.

I am extremely rejoiced that the Whigs are disappointe of the hopes they had formed on your illness, and th your recovery is so prosperously advanced. I hope yo health will be the better for this operation, and th

[1] *Stuart Papers at Windsor Castle*, iii 149-50.

providence will take under her immediate care a life of such consequence to all Europe.

I am settling my private affairs in a very good way, which will enable me to serve you with more ease, and shall make use of Mr Panton's advice whom you mention in your letter.[1]

The Marquis of Wharton to the Earl of Mar

PARIS, *November* 4, 1716.

Enclosed is a copy of a letter I have prepared to the Landgrave of Cassel, on which I beg to know his Majesty's sentiments as soon as possible.

Bolingbroke continues unwearied in his endeavours to debauch the young men, but I believe he will be much mistaken in his politics, for they are all honest and will continue so. Ford, a creature of his, who returned to England by his orders is now come back here, and I suppose brings him further instructions from his new masters.

The talk of the alliance is as hot as ever, and frequent expresses arrive from England. Last Sunday three came at once, which made us all hope something extraordinary had happened, but the contents are kept very secret

Two Hanover gentlemen just come, Gen. Darlevil and Mr La Forest, have assured me that George does not think of returning till spring, and that he is very much embarrassed what to do with the Czar.

[*Enclosure*]

The Marquis of Wharton to the Landgrave of Hesse-Cassel

The acts of kindness of your Most Serene Highness to me during my stay at Cassel encourage me to address you on a matter which concerns Europe in general You always appeared to me to take a keen interest in every thing that concerns England, and I am convinced that interest and compassion will induce you at least to desire

[1] *Stuart Papers at Windsor Castle*, III. 172-3.

the restoration of the old Government of that country. The ruin of our liberties will infallibly put the Duke of Hanover in a position to pursue actively the plans he seems to have formed against Sweden and all her allies, and the misfortunes of a Protestant people, who have so often defended not only their own liberties, but even those of Europe will always affect a Prince as generous and charitable as yourself.

You are too well acquainted with foreign affairs to be ignorant of the different acts of absolute power, which the Prince that reigns among us exercises every day.

The Septennial Bill and that empowering the King to have criminals tried where he pleases are but trifles compared with the rest, though the one abolishes the third estate of the kingdom, and the other renders the King absolute master of the life and property of all his subjects.

The number of creatures he introduces every day into the Upper Chamber entirely corrupts it and makes it contemptible.

But all this does not come up to the different things he has done without the consent of Parliament and directly contrary to the laws, as transporting to the West Indies as slaves a great number of persons, several of whom belong to the oldest houses of the kingdom, who have never been convicted, as declaring war against Sweden contrary to the Act of Succession, and several other things, of which your Most Serene Highness is aware.

You may judge with what grief I should recapitulate the misfortunes of my country, did I not hope that the same providence, which has always defended the nation, will not abandon us in this miserable condition.

Almost all my countrymen are of opinion that the restoration of our lawful sovereign, King James, is the sole means of saving everything, and I thank Heaven his affairs have never been in a better state, since the Parliament, the fleet, and the army find it difficult to maintain his rival, so strongly does the feeling run against the latter.

As soon as the King learnt my design of returning to Cassel, he honoured me with the letter of which the enclosed is a copy, and of which M. Sparre has seen the

original, whereby your Most Serene Highness will see the esteem he has for you, and the warmth with which he asks for your friendship. I should be very happy to be the channel of a correspondence between two such illustrious persons, which cannot fail to be of the last importance to Europe in general and to the Protestant interest in particular. I venture to promise that his Majesty will give you every kind of assurance on the question of religion, and am convinced that in everything else you will be perfectly satisfied.

The King, thank Heaven, is a Prince who has the best qualities in the world, and joins to a charming wit a probity and justness of soul to stand the test of everything that the most adverse fortune can do, and is justly admired by all who have the honour of approaching his sacred person

I beg that your Most Serene Highness will keep this letter secret.[1]

Queen Mary to the Earl of Mar

ST GERMAIN, *November* 6, 1716.

. . I send you here Lord Wharton's letter whicch I advised him not to send by the post, becaus of that letter to Cassel whicch realy is a very sensible one, and I hope may produce som good effect. This young man writts and talks mucch better than most people can do at his age. I hope Mr Panton's advice to him will moderat his warmth and increas his discretion; but for his attachement to the King I am persuaded it is very sincere at present, and I hope will continue so.[2]

The Earl of Southesk to the Earl of Mar

[PARIS,] *November* 6, 1716.

. . . Lord Wharton is here, and is as right as can be wished. It were not amiss that somebody about the King would write to him to keep some measures with

[1] *Stuart Papers at Windsor Castle*, iii. 173-4. [2] *Ibid.*, iii 181.

our enemies and not to ruin himself to no purpose, for, if he continues talking as he does now, he cant fail of being soon in our condition, which were a great pity, for, when occasion offers, if he were at home, he would do the King considerable service, for he has a great deal of mettle. I got him yesterday with much difficulty to go and see Stair, who let him wait half an hour amongst his footmen, and then sent him word he was asleep [1]

Lord Stair, however, repented of his conduct, doubtless coming to the conclusion that it would be unwise to lose any chance of withdrawing the Marquis from his connection with the Pretender.

The Marquis of Wharton to the Earl of Mar

PARIS, *November* 10, 1716.

The advice of all my friends and Mrs Smith's [Lord Southesk's] commands prevailed with me to visit Mr Buchanan [Lord Stair] soon after my return hither. My first visit was received *cavalièrement*, but he sent next day a most obliging message to excuse his rudeness on which Mr Mansel and myself went again to see him, which visit he returned. I have received two invitations to dine with him to-day, which is Mr Ker's [the Prince of Wales'] birthday, and as all the English, not one excepted, intend to go, I am forced to comply for two reasons; one that I may in some measure soften my relations, and the next and greatest is that I may not put it out of my power to serve Mr Ross [James] to whose interest I have attached myself, and by which I am resolved to stand or fall, and I hope that you and he believe that I would willingly cut those dogs' throats with whom I am forced to dine.

I hear from England that a great promotion of Dukes will soon be made, for which reason I desire you will use your interest and press as much as you can that Mr Ross will let a pat[ent] be passed for me before any body can be put over my head by Kendal [King George]. Though

[1] *Stuart Papers at Windsor Castle*, iii. 185.

Mr Ross has taken a resolution which I take to be right, of disposing of nothing where he is, yet, as every person now preferred to that station jumps over my head, I hope he will not decline doing that for me which was actually begun for my father and which my loyalty is the only reason that hinders me from [1]

The Earl of Mar to the Marquis of Wharton

November 11, 1716.

I had yours of the 4th and of 29 October yesterday. I read what was enclosed in the first to Mr Ross [James], who is very well pleased with it, which I return and hope it may have a good effect [2] It is unlucky Windrame [Lord Wharton] cannot go immediately, but till Kendal [King George] has left his present habitation, it would look too remarkable, so there must be patience, and I believe Windrame would dispense with going there at all provided Kendal never removed, but I hope he may be sent back in a little time for good and all with some more of the kind.

I am very glad those young gentlemen[3] stand so firm. I followed your advice as to those at Turin, but I am afraid nothing will be made of them. I heard t'other day from Brussels that Mansel had passed again there who is now as angry with Cranston [Bolingbroke] as ever he was pleased with him.

Ross recovers very much, but it will be a long time before he be in a travelling condition. I fancy there is a mistake in our cipher of letters, therefore pray send me an exact copy of that you have that I may make my copy correspond [4]

—— *to Hew Wallace, Junior of Inglesdon*

November 17, 1716

. . . Lord Wharton was at Lord Stair's on young

[1] *Stuart Papers at Windsor Castle*, III 198

[2] The Marquis's Circular Letter to the Freeholders.

[3] Mr Berkeley and Sir William Stapleton

[4] *Stuart Papers at Windsor Castle*, III 201-2.

Geordie's[1] birthday. He proposed to drink confusi to the Tories, and that Liddesdale and Gardener[2] wo go to the Coffee-house and he and they would do as mu there. When they came there he cried, Here is confusi to the Whigs! What do you mean, my Lord? say th God damn you, says he; do you know I brought y here to get your heads broke? the Tories are too ma for you here to drink any other health.[3]

The Earl of Mar to the Marquis of Wharton

November 17, 1716.

I laid yours of the 10th before Mr Ross [James]. Y could hardly avoid the dinner since you had been th before and had compliments from him . . . I scar believe the story you heard from England of many duk to be made, but that is nothing as to Mr Worsly [Wharto for, as soon as I spoke of it to Ross, he ordered me to you know that, as soon as he is able to write, the warra shall be passed of the same date when he was with h and be put into Mr Clark's [Mar's] hands, where Wors may be sure it shall be safe for him and safer and bett there for some time than in his own. You will easi see the importance of keeping this an absolute secr and nobody here or elsewhere knows of it You see h ready Mr Ross is to oblige you.

I heard from Paris to-day that Cranston [Bolingbrok has now pulled off the mask. I hope you had mine wi the draft of yours to Sutherland [Hesse]. Tell Wors to send me the names and places necessary to be put the warrant.[1]

By this time the guardians of the Marquis had be

[1] "Young Geordie" is, clearly, the Prince of Wales.

[2] Captain Gardener, *aide-de-camp* to Lord Stair.

[3] *Stuart Papers at Windsor Castle*, iii. 225.

[4] *Ibid.*, iii. 229.

A warrant for a Patent creating the Marquis of Wharton Duke Northumberland, ante-dated October 2, was on December 2, issu under the sign manual of the Pretender, and countersigned by Lo Mar—*Ibid*, iii. 543.

informed of their ward's conduct abroad, and had doubtless ordered him home. Their commands being disobeyed, they at last decided to compel him to return by the very drastic measure of stopping supplies. This step was the more effective because the Marquis had entirely ignored the limits of his allowance, and had borrowed money right and left. When he visited the widow of James II. at St Germains in November, he induced her to lend him £2000, and he had earlier obtained large sums of money from another quarter. "My dear fellow," he replied to some one who on his return to England reproached him for having espoused the cause of the exiled Prince, "I have pawned my principles to Gordon, the Pretender's banker, for a considerable sum, and till I can repay him, I must be a Jacobite. When that is done, I will return to the Whigs."

The Marquis of Wharton to the Pretender

PARIS, *November* 19, 1716.

My guardian having protested all my bills and positively refused to send me a penny, I am forced to go to England Lord Southesk can witness to what straits this has put me to, but, since there is no help for it, I must endeavour to make the best of a bad market, and will behave myself in such a manner as shall show every body that I have some little credit in my country and that it is all at your service I renew my assurances of duty to your Majesty, and assure you that nothing can alter my zeal for your cause and affection to your person.

I have acquainted the Duke of Mar with the answer I have received from Cassel and hope to be able after a short stay in England to push that affair to a happy conclusion. I shall endeavour to see the Queen to-morrow and to get her leave to go home in a few days. I shall also find some safe way of writing from time to time.[1]

[1] *Stuart Papers at Windsor Castle*, iii. 233.

The Marquis of Wharton to the Earl of Mar

PARIS, *November* 19, 1716.

I have written to the King to acquaint him with t absolute necessity I am under of going for England.

I have received an answer from the Landgrave Cassel's prime minister,[1] to whom I wrote to know wheth he was willing to treat with our master. The answer much more favourable than I could expect. He pos tively says that the Landgrave embraces the opportuni with pleasure and invites me to come to him in order to tl carrying it on. I shall send him my reasons for not comir immediately, but assure him I will infallibly be there less than two months, which I hope I may after settlir my affairs The Queen shall see the General's origin letter, of which I send you a copy.

I shall continue writing to you by Gordon's packet, an hope to hear from you by the same means. I promis myself you will have good accounts from England of m for I shall set Bucks in a blaze.[2]

[*Enclosure*]

General C. Rank to the Marquis of Wharton

CASSEL, *November* 10, 1716.

. . . J'ay aussi fait vos assurances a Monseigneur, e luy ay entretenu fort au long sur ce que vous avez l bonté de me communiquer a l'egard des commission qu'on vous a donné de chez vous. S.A.S. m'a chargé d vous dire, come ces affairs la sont d'assez de consequence que vous luy ferez beaucoup de plaisir toute fois que vous voudriez bien prendre la peine de vous rendre icy ajoutant qu'elle esperoit que vous n'aviez pas eté si mal receu icy par rapport a l'amitié, que vous ne voudriez pas y retourner encore une fois, et cela d'autant qu'il est come vous dites, qu'on parle mieux des affaires d'une telle importance, que l'on ne scauroit faire en confiant

[1] General C. Rank. [2] *Stuart Papers at Windsor Castle*, III. 233.

les lettres a la poste qui est toujours sujette a caution. Venez donc nous joindre.[1]

The Marquis replied to General Rank, expressing his pleasure that his Serene Highness had not forgotten him, and regretting his inability to go to Cassel, as he was compelled to return without delay to England by the refusal of his guardians to remit him even the smallest sum

The Marquis of Wharton to General Rank

PARIS, *November* 24, 1716.

As you know the zeal I have always showed for my country's good, you will not be astonished at seeing with what zeal I embrace King James' side It is true my father was of the opposite party, but the same views which led him to embrace King William's interests oblige me to follow the King's orders, and I am not the only Whig of that way of thinking. I hope the Landgrave and you will keep my letters very secret, and if he considers the friendship of a Prince, who will not always be unfortunate, worth acquiring, he has only to name the place, time, and person, and the King will send somebody on his side to treat, and I promise his Majesty will give every kind of satisfaction in everything and I believe will carry his services beyond a mere friendship.

The only point which will embarrass you is that of religion, but I can answer that the King will do everything that can be asked of him to show that religion will have nothing to fear during his reign. Sa Majesté n'a aucun prestre Anglois avec lui à Avignon. Elle ne va que rarement à la messe, et dans sa maison elle a tous les dimanches le service Anglois officié par des aumoniers de la religion qui sont avec lui. Je peux mesme dire qu'il seroit bien imprudent pour le Roy de se declarer Protestant à present par ce que sa Majesté perdroit par la le soutien des Catholiques sans faire sa cour au Protestants qui diroient que ce changement n'estoit pas réel et que le

[1] *Stuart Papers at Windsor Castle*, III 234.

Roy n'estoit pas converty que pour trois royaume Mais je crois que sa Majesté ne refusera pas de faire to ce qu'on peut demander à un Prince sage qui estime s honneur plus que trois couronnes.

For the rest his Most Serene Highness has only inform me of what he asks and I will answer him on tl King's part in a way which shall be agreeable to hir What I wish to know is, if his Most Serene Highne wishes to treat with the King, and in what manner an in what place.

I leave to-morrow for London [1]

To the Duke's letter the Landgrave replied, on De cember 14, thanking the Marquis for the continuance c his affection, and assuring him that "son contenu ser tellement menagé comme vous le souhaitez, sur quoy vou pouvez fair fonds." [2]

The Marquis of Wharton to the Earl of Mar

November 26, 1716.

Just as I was stepping into my post-chaise I had you Grace's of the 17th. I have thanked the King by the enclosed, and will never depart from the assurances I have given him. I shall endeavour to correspond constantly with you from England by cipher, and your letters for me must be addressed as usual to Gordon.

As to the names and places to be put in the warrant I hope the King will let it be filled up as mentioned on the other side. The title of Northumberland being extinct, and having an estate in the county, I think, if the King has no objection, it will be most proper. If he has, I hope he will let me know it and I shall change it.

The Titles.—Philip Wharton, Baron Wharton of Wharton, co. Westmorland (an honour given to Sir Thomas Wharton, then Lord Warden of the Marches, by Henry VIII.); Viscount Winchendon, Bucks; Earl

[1] *Stuart Papers at Windsor Castle*, iii. 251-2. [2] *Ibid.*, iii. 314.

of Malmesbury, Wilts, Marquis of Wooburn, Bucks; Duke of Northumberland.[1]

The Earl of Mar to the Marquis of Wharton

November 27, 1716.

Mr Ross [James] is sorry your friends behave so to you that it obliges you to go to Netherton [England], and the more that he believes it is not agreeable to you, but he bids me assure you that he has no fear it will in the least alter you as to what you have given him so many assurances of, and he hopes ere long you'll be on this side again, though I am persuaded your friends will do all they can to prevent you

What you have from Arnot [General Rank] is very civil, and I hope good may yet come of it. Let me know you if sent Mr Ross' letter to you thither.

I suppose I shall hear again from you ere you go in answer to what I wrote you I shall take care of what I wrote you then, as soon as I get your return, which it is necessary for me to have first If anything occurs here necessary for you to know when on the other side, I shall write to you, otherwise I will not trouble you

Mr Ross recovers very well and I wish we were all in a condition to go with you [2]

The Marquis of Wharton to the Earl of Mar

CALAIS, *November* 30, 1716.

I left Paris last Thursday, and came here early this morning I wrote to you the day I came away and also to Mr Ross [James] to thank him for his last favour which Clerc [Mar] wrote me word of, and to desire that the warrant might be filled up with Northumberland, but, if Mr Ross has any objections, you might let it be Wharton,

[1] *Stuart Papers at Windsor Castle*, III. 258-9. [2] *Ibid.*, iii. 263.

though I hope the other may be approved. As soon a it is perfected, Worsley [Wharton himself] desires Cler to send him a copy directed as usual and ciphered fo greater security

The morning Worsley left Paris, Buchanan [Stair], sen for him and, it being very early, he found Buchanan in bed who told him he thought it proper to tell him before h went for England that there were many affidavits of treasor against him, and that he should be secured immediately on his landing, for which reason he desired Windran [Wharton himself] should stay at Paris till matter could be settled, and that he himself would furnish hin with all the money he should want to live according tc his quality in the meantime. Buchanan pressed Worsley to own his being with Mrs Smith [Lord Southesk], but he answered that he did not value what could be said against him, and, to show that he trusted in his innocency he would set out that morning and hoped Buchanan would make his words good in Westminster Hall, at which Buchanan seems surprised, and answered, I am sorry for you, you are very bold.

I have delivered the letter I sent you for Sutherland [the Landgrave of Hesse] to Spar, who has sent it ciphered to Sutherland and I have directed the answer to be sent to Mrs Wilson.

I hear just now that the Princess of Hanover is dead or dying, being brought to bed of a dead son.[1]

It may have been on this occasion that the Marquis made his famous and witty retort to Lord Stair. The Ambassador had again and again uttered a word in season to the young man, who loved not good advice. One day, after extolling the virtues of the late Marquis, he said to his guest, "I hope you will follow so illustrious example of fidelity to your Prince and love to your country." "I thank your Excellency for your good counsel," answered the visitor in courteous tone, "and as your Excellency had also a worthy and discerning father, I hope that you

[1] *Stuart Papers at Windsor Castle*, iii. 268-9.

will likewise copy so bright an example, and tread in all his footsteps"—which reply, though showing a keen sense of humour was brutal, for the first Lord Stair had betrayed his sovereign

Lord Stair, it must be confessed, in this instance meant well. The Marquis did require admonition, not, indeed, because he took up the cause of the Pretender, but owing to his general behaviour. "I shall mention here one of his juvenile fancies, though I think it will rather manifest the Giddiness of his Temper than either his Wit or Discretion, and indeed was one of the lowest that I have known in the Character of the Marquis of Wharton," his biographer of 1731 wrote. "It happen'd a young English Surgeon, who came to see Practice in the famous Hospitals of Paris, passing by his Excellency's House on the 10th of June at Night, took the Liberty to break the Ambassador's Windows, for no other Reason, but that there was no Bonfire before his Door. The Author of this Insult was taken, and committed to the Prison of Fort L'Eveque. This Treatment of the young Surgeon was resented by the Marquis; but he sought for no other Satisfaction than to break the Ambassador's Windows a second Time, and accordingly he proposed the Matter to an Irish Lieutenant-General in the Service of France, a Gentleman of great Honour, and of the first Reputation for Military Virtue, to assist therein. The General could not help smiling at the Oddness of the Proposal, but with a great deal of good Nature made him this answer, That he advised him by all means to give over the Enterprize; but that if his Lordship was resolv'd to execute it, he begged he might be left out of the Party, for it was a kind of making War that he had not been accustom'd to." This was characteristic of the Marquis's conduct at this time. Of course, in extenuation, may be pleaded his youth, but that did not on the whole make his doings any more acceptable to his elders.

Father Archangel Græme to the Earl of Mar

CALAIS, *December* 1, 1716.

. . . Lord Wharton takes shipping to-night for London with a Col. Boyes, whom I take to be a spy on him. I was to wait on him and caution him against this dangerous fellow-traveller, on which he left with Mr Wivel here some papers he had, which are to be sent to Mr Ouchterlony, who will deliver them to him on his arrival.[1]

The Marquis of Wharton to the Earl of Mar

CALAIS, *December* 2, 1716.

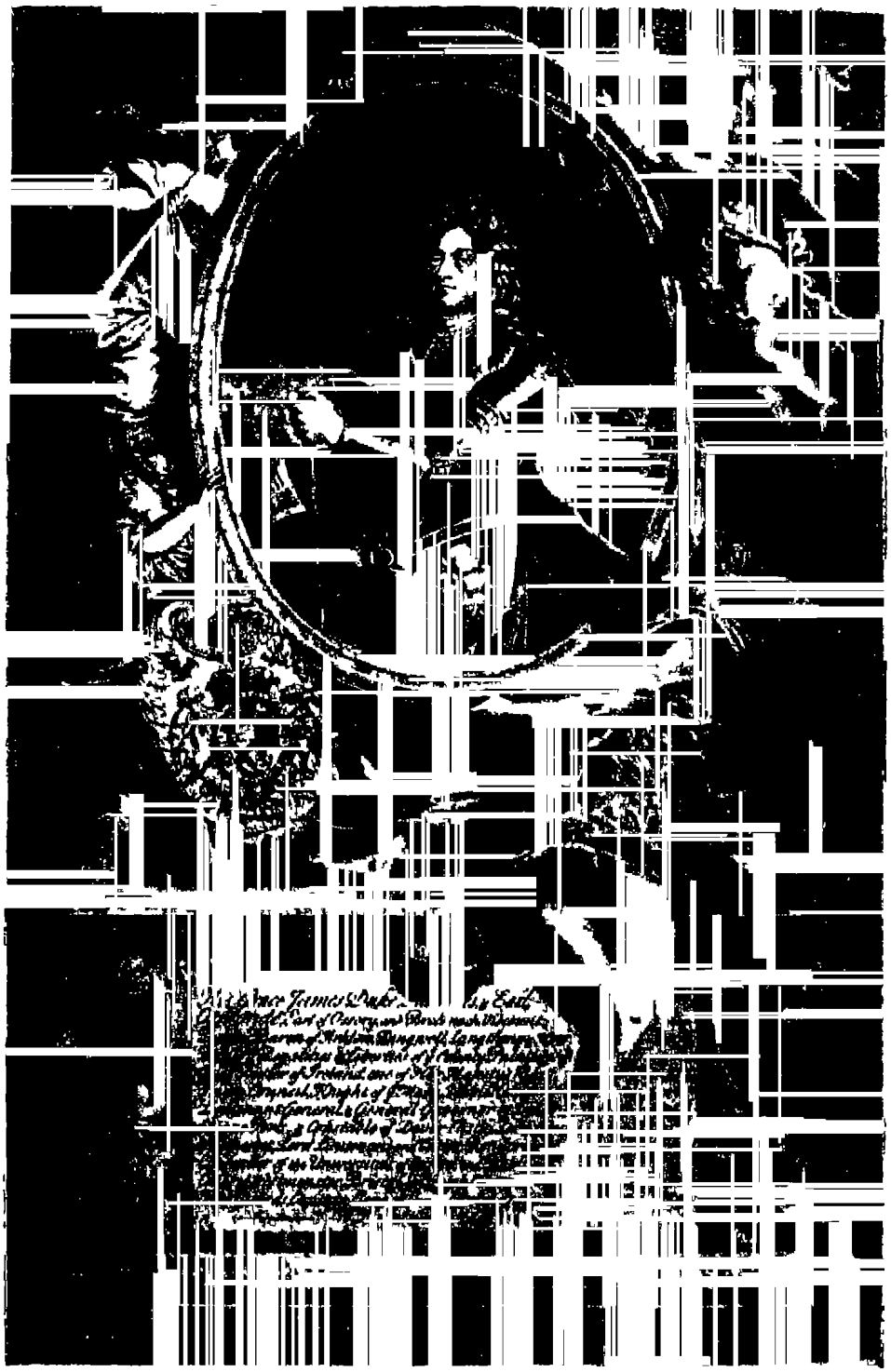
I wrote to you on my arrival here to tell you I was and always would be grateful to Mr Ross [James] for his favours. I heard this morning that he appeared abroad the 19th, which makes me hope my business is done by this time.

I have been detained here by the violence of the winds which will not suffer any ship to get out of this haven I have in my company a gentleman whose name I will not mention, but a great friend of Buchanan [Stair] and the Scotch merchant in Paris, whose errand in England may possibly relate to me, but, as I have no letters or papers relating to our trade about me, I don' mind for what harm he can do me with the Commissioners

As soon as my affairs permit, I will return to Paris and from thence will endeavour to see you, and hope to be able to give a good account of my journey, which perhaps may serve you much more than you can imagine I don't in the least doubt I shall prevail with my friend in the country to join in anything proposed to them for the good of our commerce, and hope soon to have occasion to try their inclinations I send the cipher you desire for managing our trade, and hope with the help of it to cheat those dogs, the Commissioners.

At bottom, v, x, y, z, &, w, u, t, s, r, q, p, o (i.e. a, c, b e, d, f, h, g, k, i, l, n, m).

[1] *Stuart Papers at Windsor Castle*, III. 272.



JAMES, DUKE OF ORMONDE
From a print in the possession of A M Broadley, Esq.

CHAPTER V

THE MARQUIS OF WHARTON IN IRELAND

(1717-1718)

The Marquis arrives in London—Doubts entertained as to his continuing loyal to the Pretender—His letters to the Earl of Mar—His anxiety to receive the warrant of his creation as Duke of Northumberland—The warrant is sent to him—He is watched by the Pretender's adherents—His enthusiasm for the cause wanes—Mar's futile threat—George Lockhart's report of him—He enjoys the pleasures of the metropolis—He goes to Dublin—Although a minor, permitted to take his seat as Marquis of Catherlough in the Irish House of Lords—Budgell's account of his maiden speech—He works hard—His correspondence with Avignon ceases—He becomes a supporter of the Government—His acquaintance with Swift—Swift's advice to him—The Marquis's intimacy with Edward Young—He is created by the Government Duke of Wharton—An extract from the patent conferring the honour upon him—He joins the Opposition.

THE Marquis left Calais on December 4, and the next day landed in England, when his arrival was at once notified to the Court of the Pretender. "Mr Windebank [Lord Wharton] is come to town," John Menzies wrote to Louis Inese, December 7, 1716, "and your cousin Walter [Menzies himself] has already played him into the hands of honest men, and will omit nothing to cousin Patrick's [James's] satisfaction. If he be but steady, he will be very useful."[1] Evidently there was already some doubt at Avignon as to the course the Marquis would pursue after his return to England, and perhaps not a little anxiety. Even if he deserted the cause he could, indeed, do no harm, for he had not been entrusted with any

[1] *Stuart MSS at Windsor Castle*, iii 297.

secrets of moment, and anyhow there was no reason to suppose he would in any case betray what he knew; but, on the other hand, if he remained true to the undertakings he had given, he might be of undoubted assistance, so long, that is, as he remained steady It certainly seemed to be his intention to remain loyal, for within a few days of his landing he resumed his correspondence with the Earl of Mar

The Marquis of Wharton to the Earl of Mar

LONDON, *November* 29 [*December* 10], 1716.

After being a great while wind-bound at Calais, I am at length safe arrived here, and am very well pleased to find matters in the state they now seem to be, in everything tending more and more towards our wishes and Ross's [James's] interest. I found my friends most obliging, and the Prince most gracious. I laid the fault of everything on Buchanan's [Stair's] behaviour and have heaped many coals on his head. My Guardians have assured me they will settle everything amicably, and that in a month I shall be able to go to France again, when you shall find me just as you left me I act that cautious part you recommend, in order to serve Ross and be more useful to you, but desire you will always think me devoted to your interest.

I beg that the warrant may be sent me cyphered, that I may know how to call Worsley [Lord Wharton himself].

I find many of the merchants extremely dissatisfied with Kendal [King George], and I think he cannot stay long, but must break a course, for which reason be speedy and strike while the iron is hot [1]

The Marquis of Wharton to the Earl of Mar

December 2 [13], 1716.

I wrote to you last post that I behaved myself in

[1] *Stuart MSS. at Windsor Castle*, iii. 306.

everything according to your advice I smile on the faces of the Whigs in order to cut their throats. I will always stand to what I have promised, and am ready to make one of twenty to proclaim Ross [James] in Cheapside, and I think you never had so fair an opportunity as now to do the work, the Whigs being so distracted amongst themselves that I hope when rogues fall out honest men may get their right There are at least four or five cabals amongst them. You may depend upon my being ready at the least call. Pray send me the warrant for I am very impatient to see it. I am just going to the Bath.[1]

The warrant for which the Marquis was so anxious was that by which he was created the Duke of Northumberland, though why he should have been in such a hurry to receive it, since in England he dared not assume a title bestowed by the Pretender, is not easy to understand. He was not taken at his word to proclaim King James III. in Cheapside, nor, it would appear, was anything demanded of him save only to keep secret his connection with the Pretender—a silence that irked the young man, who asked nothing better than to be up and doing. At the age of eighteen if we support a cause, we want to announce our adherence to it: the gifts of secrecy and hypocrisy come only with years.

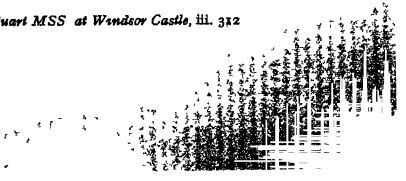
The Earl of Mar to the Marquis of Wharton

December 22, 1716.

I had yours of 30 November and 2 December in due time, but the other two you mention to have written from Paris did not come till last night, when the gentleman you entrusted them to arrived here.

Mr Ross [James] is now entirely free of his confinement, and walks abroad as openly as ever, but, I believe, he will be soon obliged to leave this, and go to the quarter assigned him

[1] *Stuart MSS at Windsor Castle*, iii. 312



I had a letter to-day telling me of Mr Worsley's [Lord Wharton's] arrival, but I'll long impatiently to hear from himself of it, and that he has met with none of those inconveniences Mr Buchanan [Stair] represented to him, and that his other affairs go according to his wish. Mr Ross desires you to make his kind compliments to Mr Windram [Lord Wharton]. He did his part in what he desired of him as soon as he was able, and it is now in your friend Clerk's hands. I do not send a copy as he desired, judging there might be a great inconveniency in that by the ordinary post, which is not always very safe, though in the way you proposed, but it is in the terms he desired and the date I formerly told you. That shows how ready Mr Ross is to do everything that's agreeable to him, and he doubts nothing of all suitable returns. I will long to know what Mr Worsley thinks as to his return, but I suppose it will take him some time to put his affairs in order, and to be able to be master of himself.

Postscript.—I have since had yours of 29 November, O.S., and, if you please, shall send what you desire of me, but shall wait till I hear from you again, not thinking it safe even in the way you propose, and the seal of your letter looked very like having suffered by foul play.[1]

The Marquis was carefully watched by the Pretender's adherents during the first few months of his return to his native country. "My cousin Morley [Menzies himself] supped last night with Windebank [Lord Wharton], who is as particular strange a young fellow as ever he saw. Hitherto he swears his passion for Mistress Jean [James], when he is with friends, which is still very often," [2] John Menzies wrote to Louis Inese, December 24, and on the next day this information was corroborated by Father Archangel Græme in a letter to the Earl of Mar: "Lord Wharton takes a great deal of pains to encourage the loyal party, and acts very prudently, by the good advice of

[1] *Stuart MSS.*, iii 335

[2] *Stuart MSS at Windsor Castle*, iii 354.

the Earl of Arran and Sir C. Phipps, his two trustees." [1] The reports continued to be favourable, but in a letter written on February 5, 1717, by Panton to Major Simon Fraser at Avignon, "I have heard from our friends in England that Lord Wharton behaves well hitherto," he said. "They often caution him and put him in mind of his duty." [2] This last sentence suggests that the Marquis was no longer in the first flush of enthusiasm for the Jacobite cause. Then came a period during which no letters from him arrived at Avignon, but this was later explained by the fact that he had been ill

The Earl of Mar to the Pretender

March 4, 1717.

Poor Wake [the Marquis of Wharton] has been ill of the small-pox, which is the reason there has been no letters from him of late, but he is recovered, and to comfort him his mother has walked off.[3]

This last piece of information is particularly important, because the date given by all authorities (including Mr Robinson) of the death of the Dowager-Marchioness is February 5, 1716; whereas the above shows that her demise took place a year later.

There is no further mention for some time of Lord Wharton in the Stuart Papers at Windsor Castle, nor is it possible to glean from any other source any information concerning the Marquis's relations with the Jacobite cause. This may well be because there was nothing to record—a view supported by the following letter :—

The Earl of Mar to J. Menzies

July 3, 1717.

I hear Isaac Mercer [Lord Wharton] acts an unworthy

[1] *Stuart MSS. at Windsor Castle*, iii. 356. [2] *Ibid.*, iii. 518.
[3] *Ibid.*, iv 95.

part. It seems he has forgotten what Berdo [Lord Mar] has under his hand, which he desired might be kept to make him infamous if he ever acted contrary to it, or else has no shame, but it may yet spoil his market in both places if he take not more care, and it were not amiss that he were told so by a fit hand.[1]

Even when Lord Mar was writing the above, he must have been well aware that the threat contained in it was without power to injure the Marquis. To betray him would have been to do an ill service to the cause, for it would certainly have been said in England that the Pretender and his adherents had endeavoured to entrap the lad and had failed; and they would have been reviled for the plot and laughed at for its failure. Any harm they might have endeavoured to inflict upon the Marquis would have recoiled very forcibly upon themselves. No one, after his repentance, would have blamed the boy of seventeen for having been led away: what in those days of plain speaking would have been said about the seducers may easily be imagined.

When the Marquis is again heard of, it is certainly not as an ardent Jacobite.

George Lockhart of Carnworth to [(?) *Major Simon Fraser*]

July 20 [31]. 1717.

. . . As for my young cousin [the Marquis of Wharton], on what you formerly suggested to me, I wrote a very civil letter to him last March, congratulating his safe return home, thanking him for his civilities to you, and insinuating some other matters and my great desire to correspond and live in friendship with him, but have had no return as yet, which is no great sign of his sense and manners, and, I'm afraid, I may add, his intentions in other matters. By the accounts I have had from my

[1] *Stuart Papers at Windsor Castle*, iv. 416

mother he minds nothing but the pleasures of the place he resides in, of which he takes a full swing. There are other strange contradictory stories related of him; what to credit I know not, but I dread the worst.[1]

En passant, it may be noted that the Marquis and his cousin were always on the best of terms, and that they so continued long after the lad had forsaken the cause is shown by the following letter —

The Duke of Wharton to the Earl of Strafford

February 10, 1725.

MY DEAR LORD,

I must beg the favour of y^r. Lord^p to use your interest with M^r Dennis Shelley and his family to promote a Marriage between M^r Lockhart of Carnworth (my Cousin German) and M^r Shelley's Daughter.

The Gentleman yesterday sent proposals to the Family by the Duke of Hamilton & myselfe, which are by this night's post transmitted to Ireland & are such as I believe will be agreable. I don't Doubt but were M^r. Lockhart as well acquainted with Y^r. Lord^p. as he is with me but that you would esteem him very qualified to make a Lady Happy The Gentleman desir'd me to present his most humble service to Y^r. Lord^p. & at the same time express how proud he should be of your countenance and Protection. I hope Y^r Lord^p. will be so kind as to let me know your answer to his affair, tho' I rather for the sake of the Publick would see you in town where the City of London groans for y^r. attendance to defend their charter against an Act of Parliament & the Poor Orphans their Estates against L^d. Macb[les ?]field.

[1] *Stuart Papers at Windsor Castle*, IV 558 George Lockhart was the son of Sir George Lockhart, of Carnworth, by his wife, Philadelphia, youngest daughter of Pinlip, fourth Baron Wharton. This son, it is remarked by the author of the "Memoir of Thomas, Marquis of Wharton," (1715, p. 12), "has so strangely degenerated from the Principles of the two noble Families from which he descended, by siding with *Jacobites and Tories*."

I beg my most humble service may be made acceptable to Lady Strafford & those whom you wish well to.

I am

My Dear Lord

Yr. Lordps.

Most obedient Humble Set.

Wharton.[1]

The news imparted by George Lockhart to Major Fraser, however unpalatable it may have been to those at Avignon, was, after all, probably very much what they must have expected. The Marquis was but eighteen years of age, and in the teens ginger is hot in the mouth. Politics may be good then, but pleasure is better, and it is not surprising that the young man plunged into such joys as life held for him. In what paths he strayed in search of amusement something will presently be said, but that at this period he did not give himself over entirely to dissipation is clearly demonstrable.

Having made arrangements with his guardians for the payment of his debts, he went to Dublin in August 1717, and on the twenty-seventh of that month was introduced into the Irish House of Lords as Earl of Rathfarnham and Marquis of Catherlough by the Earl of Kildare and the Earl of Mount Alexander. It is worthy of note that at this time there was no duke in that House, and that the Marquis of Wharton was the only marquis in the Irish Peerage. An account of his *début* in that assembly has happily been preserved.

Eustace Budgell[2] *to Mr Secretary Addison*

August 28, 1717.

. . . I believe I need not tell you, Sr, that ye D of Wharton is among us, and that as his Grace went from

[1] B.M. Add MSS 22,222 f 417

[2] Budgell had recently been appointed Accountant and Comptroller-General for Ireland

Coventry to Holyhead in company with my L^d^ Lieut^t^ he did several things at the places where they lay &c in ye gayety of his heart which some think had as well been let alone

He was yesterday introduced into our House of Lords as Marq^s^ of Carlow tho' he is not yet of age, which is the highest compliment could have been paid him. It is pretty remarkable that his Grace & y^e^ young L^d^ Hillsborough who was introduced just after him were y^e^ only persons who spoke in y^e^ House of Lords all that day His Grace's speech was thought by some not so very well timed, since y^e^ design of it seemed to be to persuade the House to address y^e^ King which they had before unanimously agreed to, but bating this his Grace spoke good sense with a strong voice and good air, and in all probability, since he shows so early a desire to be a speaker, must one day make a very considerable figure in Parliament.[1]

The Marquis soon confirmed the favourable impression he made on his first appearance in Parliament. His precocious talents, already shown in the excellent letters written to the Pretender, Lord Mar, and the Landgrave of Hesse-Cassel, enabled him to make speeches that were excellent both in matter and manner; and he threw himself with zest into the work of the Irish House of Lords. He became a member of several committees, and it was when acting as chairman of one of these in November, it fell to his lot to draw up a Congratulatory Address to George I. upon "a happy increase in the royal family." This duty must have delighted his mischievous spirit, for, though no official cognisance could be taken of it, it was notorious that this "happy increase in the royal family"—the birth of the Prince and Princess of Wales's son, George William—was the occasion of a violent quarrel between the King and the parents. Through the session he remained in attendance

[1] Aikin: *Life of Addison*, ii. 207.

at the House, supporting the Government in every division and speaking in favour of their measures. It was evident that he had entirely lost sympathy with the cause of the Pretender, and it is practically certain that his correspondence with Avignon ceased.

In Ireland he stayed until December, when he paid a brief visit to England.

The Duke of Wharton to Dean Swift

Monday morning [December, 1717].

DEAR DEAN,

I shall embark for England to-morrow. It would be necessary for me to take leave of Lord Molesworth [1] on many accounts; and as Young [2] is engaged in town, I must infallibly go alone, unless your charity extends itself to favour me with your company there this morning.

I beg you would send me your answer, and believe me sincerely

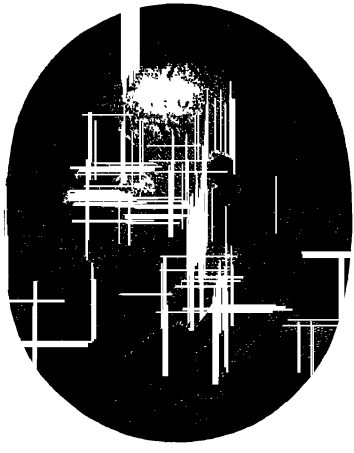
Your faithful friend and servant,

WHARTON.

P.S. If you condescend so far, come to me about eleven of the clock [3]

Swift, according to Dr Delany, greatly admired the talents of the young Marquis, and was on such terms of intimacy with him as an experienced man of the world of fifty could be with a brilliant lad who had not yet attained his majority. They met often, and sometimes dined together, and on one occasion when the Marquis had been recounting several wild frolics in which he had taken part, the great man put in a word in season. "You have had some capital frolics, my Lord, and let me recommend one to you. Take a frolic to be virtuous: take my

[1] Robert Molesworth, first Viscount Molesworth (1656-1725)
[2] Edward Young (1683-1765), poet
[3] Swift. *Works* (ed 1824), XVI 311.



JONOTHAN SWIFT
From a print after a portrait by Ravenet in the possession of A M Broadley, Esq

word for it, that one will do you more honour than all the other frolics of your life" [1] It was characteristic of the Marquis that, it being necessary to obtain the money for his amusements by collecting the rents from his Irish estates, he, when the tenants protested that they must not pay the rents direct to him since he was not of age, reduced them, or many of them, to obedience, by asking, "How dare you say I am not of age, when Parliament has declared that I am?"

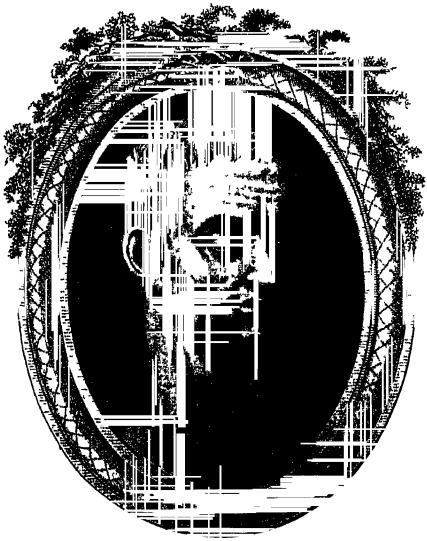
How the Marquis first met Swift is not known. It may, of course, have been in the ordinary course of the social life of the Irish capital; but it is more likely to have been through Edward Young, who either accompanied him, or followed him, to Ireland The relations between the Marquis and Young were at this time very close. When the acquaintance between them began is not known, but it may well have been early in the Marquis's life, for Young's father had been a friend of the first wife of Thomas, Marquis of Wharton.[2] Dr Doran, in his memoir of the poet, says that about 1715, when the Marquis was ambitious to make a figure as an orator, he found that he had forgotten all the Latin he had learnt as a child, and that, as in that day no one could succeed as a speaker who could not glibly introduce passages from the classics, Young was called in to "cram" him Young, Doran adds, "who looked on the stripling lord as a 'prodigious genius,' so well employed a six weeks' residence at Winchendon in speaking Latin colloquially and in reading Cicero, that at the end of that time, the noble pupil is said to have 'talked Latin like that of Tully.'" [3] The story, somehow, does not seem to ring true, for at the age of sixteen the lad can scarcely have been very deeply imbued with the ambition to become a great

[1] Delany · *Observations . . . on Swift*, 216.
[2] Johnson. *Life of Edward Young* (*Works*, 1806, xi 290).
[3] Doran *Memoir of Young*, xxiv (prefixed to *Works*, 1854).

Parliamentary speaker, he was, as we know, in love ir the earlier part of the year, and not the least likely tc have been desirous to devote himself exclusively to the study of the classics. If, however, the place and date is altered to Dublin in 1717, there is much more likelihooc of the incident being nearer the actual fact. Of the friendship between Young and his pupil more will be said anon

The British Government was delighted with the Marquis's conduct in the Irish Parliament, and congratulated itself on the wisdom it had shown in regarding as a boyish freak, and on that ground ignoring, his connection with the Pretender, since by pursuing that course it had plucked a brand from the burning. Aware, doubtless, that a dukedom had been bestowed upon him abroad, for in those days when St James's and Avignon were filled with spies, and everything that passed at one Court was known at the other, it thought at once to show its approval of the Marquis's change of front and to bind him to its interests by raising him to the highest rank in the English peerage. In pursuance of this policy, therefore, it created him, on January 28, 1718, Duke of Wharton, the single instance of a dukedom being conferred on a minor — perhaps the most extraordinary bestowal of an honour that has ever been made in this country, and one made still more remarkable by the wording of the preamble to the patent .—

As it is the Honour of Subjects, who are descended from an illustrious Family, to imitate the great Examples of their Ancestors, we esteem no less our Glory, as a King, after the Manner of our Royal Predecessors, to dignify eminent Virtue by suitable Rewards. It is on this Account that we confer a new Title on our right trusty and intirely beloved Cousin, *Philip* Marquis of *Wharton* and *Malmsbury*, who, though he be born of a very ancient and noble



EDWARD YOUNG
From a print in the possession of A M Broadley, Esq

Family, wherein he may reckon as many Patriots as Forefathers, has rather chosen to distinguish himself by his personal Merit. The *British* Nation, not forgetful of his Father lately deceas'd, gratefully remember how much their invincible King *William* III. owed to that constant and courageous Asserter of the publick Liberty, and the Protestant Religion. The same extraordinary Person deserved so well of us, in having supported our Interests by the Weight of his Councils, the Force of his Wit, and the Firmness of his Mind, at a Time when our Title to the Succession of this Realm was endanger'd, that in the Beginning of our Reign, we invested him with the Dignity of a Marquiss, as an Earnest of our Royal Favour, the further Marks whereof we were prevented from bestowing by his Death, too hasty and untimely for his King and Country.

When we see the Son of this great Man forming himself by so worthy an Example, and in every Action exhibiting a lively Resemblance of his Father; when we consider the Eloquence which he has exerted with so much Applause in the Parliament of *Ireland*, and his Turn and Application even in early Youth, to the serious and weighty Affairs of the Publick, we willingly decree him Honours, which are neither superior to his Merits, nor earlier than the Expectation of our good Subjects.[1]

The Duke of Wharton, with his blushing honours full upon him, returned almost at once to Ireland; but even as after he had received the Pretender's dukedom he supported the administration of George I., so, after he had received the King's dukedom, he voted against the Government. "The Duke of Wharton has changed his side," so runs a passage in a News-Letter addressed to the Duke of Portland, February 19, 1718. "He was hitherto extremely zealous and violent, and made many of the motions of the party, but yesterday morning he

[1] The full text of the patent is given in the Appendix

did not come to the meeting as usual, before they went to the House, and both yesterday and to-day did not divide with, but against his former party." [1] The Duke did not, however, give any sign of again adhering to the Jacobite cause.

[1] *Portland MSS.*, v 555

CHAPTER VI

THE DUKE OF WHARTON'S PRIVATE LIFE IN ENGLAND—I (1719-1722)

The Duke rejoins his wife—They live on good terms—A son born to them—The Duke leads a more respectable life—The child dies of smallpox—The father and mother quarrel and separate—The Duke again plunges into excesses—Becomes President of the Hell-Fire Club—His practical jokes—He introduces "Lord Rawlins" to London society—At "Spiller's Head"—Hogarth's picture, "Oysters, or, St James's Day"—The Duke is Chief Director of "The Schemers"—He spends most of his time in London—Goes occasionally to his cousin, Sir Christopher Musgrave, at Eden-hall—"The Earl's Defeat"—His principal amusements, wine, women, and horses—His extravagance—Loses £120,000 in South-Sea stock—Plunges disastrously on the turf—His father's stud—His own horses—"A Song made at York Races"—Heavily in debt—Lives on £2000 a year—Retires to Twickenham—"The Duke of Wharton's Whims"—Another version—The Duke's villa at Twickenham—Walpole refers to him in *The Parish Register of Twickenham*—He becomes acquainted with Pope—His intimacy with Lady Mary Wortley Montagu—His play "Mary Queen of Scots"—Lady Mary writes an epilogue for it—Lady Mary's verses, "On the Death of Mrs Bowes"—The Duke's parody of that composition—Lady Mary quarrels with the Duke

"AFTER some years of continu'd extravagance, the Duke, either thro the natural Inconsistency of his Temper, or the Reflection how much he had been drawn in by his unworthy Companions to embezel his Estate . . . began to think there were Comforts in Retirement, and falling into the Conversation of the sober part of Mankind, more than he had done, was persuaded by them to take home his Dutchess . . . He brought her to his House; but Love had no part in his Resolution. He lived with her indeed

but she is with him as a Housekeeper, as a Nurse." Thus Mrs Eliza Haywood in 1725, but this statement c hers, as every statement made by this scandalmonge requires investigation. As a matter of fact the Duk rejoined his wife on his return from Ireland early in 1718 and for a while they lived together on intimate terms A son was born to them at Winchendon, on March 7 o 11, 1719; and, as showing that the Duke was still in favour at Court, it may be mentioned that George I was one of the sponsors of Thomas, Marquis of Malmes bury. Having an heir seems to have sobered the young man, and apparently he made an effort to live respectably

Lady Mary Wortley Montagu to her sister, the Countess o Mar

The Duke of Wharton has brought his Duchess to town and is fond of her to distraction; in order to break the hearts of all other women that have any claim upon him . . . He has public devotions twice a day, and assists at them in person with exemplary devotion; and there is nothing pleasanter than the remarks of some pious ladies on the conversion of such a sinner.[2]

Early in 1720 there was an outbreak of small-pox in London, and the Duke, who went up to the metropolis to attend to his Parliamentary duties, left his wife, with the child, at Winchendon, giving her strict injunctions not to come to town because of the danger of infection. The Duchess, however, whether irked by the dulness of the country, or desirous to be with her husband, or, what is still more probable, thinking by her presence to guard him against those temptations to which he was all too

[1] *Memoirs of a certain Island adjacent to the Kingdom of Utopia*, 1. 220.

[2] *Letters of Lady M W. Montagu* This letter is undated, but it must have been written about this time, since the Duke and Duchess did not live together after the early spring of 1720.

prone to yield, followed him to London. There, unfortunately, the child sickened of the epidemic, and died on March 1, 1720. He was buried at Winchendon. The Duke, terribly enraged, vowed he would never see or speak again to her who was responsible for the death of his heir. Certainly they were never again on intimate terms, and when some years later he went abroad he left her in England, where she remained until her death.

"To pleasure never was Lorenzo deaf," [1]

Edward Young has written, taking the Duke, it is generally conceded, as Lorenzo in the poem, and certainly the Duke, after the death of his son, followed his natural leanings and plunged into excesses of all kinds. He became President of the Hell-Fire Club, which damned him in the eyes of all sober-minded persons In 1721 there was published, "The Hell-Fire Club, kept by a Society of Blasphemers. A Satyr, most humbly inscribed to the Right Hon. Thomas, Baron Macclesfield, Lord High Chancellor of Great Britain . . .," which condemned in no measured terms the profaneness, immorality, and debauchery of the association There were, indeed, three of these societies, to which belonged upwards of forty people of quality of both sexes, meeting respectively at Somerset House and at houses in Westminster and Conduit Street, Hanover Square. The members, it is said, assumed the names of the patriarchs, prophets, and martyrs, and ridiculed at their meetings the doctrines of the Trinity and the mysteries of the Christian religion.[2] In spite of this indictment it may be contended that (as later in the case of an assembly called "The Demoniacs," of which Laurence Sterne was a leading light) the name of this club was probably far worse than its practices,

[1] *Night Thoughts*, vii., *The Infidel Reclaimed*, line 481.
[2] *Notes and Queries*, ii. S., ix. 367; May 12, 1860.

and was, indeed, probably chosen deliberately to shock the sanctimonious.[1]

Whatever may be said for or against the Hell-Fire Club, it must be admitted that the Duke's wildness knew no bounds.

> "Lorenzo, thou canst wake at midnight too,
> Though not on *morals* bent Ambition, Pleasure,
> Those tyrants I for thee so lately fought,
> Afford their harass'd slaves but slender rest.
> Thou, to whom midnight is immoral noon;
> And the sun's noontide blaze, prim dawn of day;
> Not by thy climate, but capricious crime,
> Commencing one of our antipodes!
> In thy nocturnal rove, one moment halt,
> 'Twixt stage and stage of riot and cabal;
> And lift thine eye (if bold an eye to lift,
> If bold to meet the face of injured Heaven)
> To yonder stars: for other ends they shine,
> Than to light revellers from shame to shame,
> And thus be made accomplices in guilt.[2]

The Duke consorted with all sorts of queer characters, and, according to a tradition, given countenance to by a line of Pope's,

> "Now drinking citron with his Grace and Chartres,"[3]

he was a boon companion of that notorious scoundrel, Francis Charteris. His pranks, however, or such of them as have been recorded, were more foolish than vicious. He knocked up one of his guardians in the middle of the night to borrow a pin.[4] Disturbing people in the early hours seems to have been one of his favourite jokes. Sir John Shaw, of Greenock, a member of Parliament, told Lord Cathcart how, one night in December 1722, he

[1] For the Hell-Fire Club, see p. 123 of this work.
[2] Young: *Night Thoughts. IX. The Consolation*, lines 667-681.
[3] *Sylvia: a Fragment.*
[4] Horace Walpole: *Letters* (ed. Cunningham), IX. 252.

and a party of friends, all very drunk, went to the House. "We met with the Duke of Wharton, as well refreshed as I," he continued. "He proposed to survey all the ladies in the galleries; I was for turning them all up, but he declined He proposed to knock up Argyle; I proposed the King" They knocked up the Duke of Argyle, who entered into the frolic, and received them well.[1] Another escapade of the Duke was introducing to the world of fashion a little deformed man of no position, upon whom he bestowed the title of Lord Rawlins. The trick was in due course discovered and forgiven, but unfortunately not before it had turned the dwarf's not too well-balanced mind. The unfortunate man would not discard his title, even when he became the Crier at Tunbridge Wells, and he ended his days in a madhouse.[2] In the Metropolitan Sketches of Westmacott's *English Spy* a glimpse is given of the Duke on the town that is interesting, but, being drawn at second-hand, not reliable. "There was the Spiller's Head in Clare-Market, in great vogue for the nightly assemblage of the wits," so runs the passage, "there might be seen Hogarth, and Betterton, the actor, and Dr Garth, and Charles Churchill, the first of English satirists, and the arch-politician Wilkes, and the gay Duke of Wharton, and witty Morley [*i.e.* Mottley], the author of 'Joe Miller,' and Walker, the celebrated Macheath, and the well-known Bab Selby, the oyster woman, and Fig, the boxer, and old Corins, the clerical attorney—all 'hail fellow, well met.'"[3] The gathering of such a group of men of various ranks and professions might well have been agreeable, but certainly they can never have all been at Spiller's Head (so called because it was a favourite haunt of the comedian) at the same time, for Wharton was in England only from 1718

[1] *Hist MSS. Com., Appendix to Second Report*, 26
[2] *Sprange's Guide to Tunbridge Wells* (1796), 306.
[3] *The English Spy* (ed. 1907), 1 349

until 1725, and then Betterton was dead, and Churchill and Wilkes unborn Hogarth took the interior of the "Spiller's Head" as the scene of his picture, "Oysters, or, St James's Day," in which the principal figures are the Duke of Wharton, for whom Bab Selby is opening oysters; Spiller, Mottley, and Corins, Fig, a brother of the boxer, who attended the Duke on his drunken frolics, Dr Garth and Betterton; and, in the background, Walker and Polly Fenton, afterwards Duchess of Bolton [1]

The Duke spent most of his time in London, and there, as also elsewhere doubtless, he indulged those propensities which, according to Seward, induced Richardson to portray him as Lovelace in *Clarissa Harlowe*

Lady Mary Wortley Montagu to the Countess of Mar

February 1724.

. . . In general, gallantry never was in so elevated a figure as it is at present. Twenty very pretty fellows (the Duke of Wharton being president and chief director) have formed themselves into a committee of gallantry. They call themselves *Schemers*; and meet regularly three times a week, to consult on gallant schemes for the advantage and advancement of that branch of happiness . I consider the duty of a true Englishwoman is to do what honour she can to her native country; and that it would be a sin against the pious love I bear the land of my nativity, to confine the renown due to the Schemers within the small extent of this little island, which ought to be spread wherever men can sigh, or women wish 'Tis true they have the envy and curses of the old and ugly of both sexes, and a general persecution from all old women; but this is no more than all reformations must expect in their beginning.[2]

[1] *The English Spy*, I. 349 n, Dobson *William Hogarth* (ed. 1907), 218.
[2] *Letters of Lady Mary Wortley Montagu* (ed. Thomas), I 354

The Duke rarely left the metropolis, but occasionally he paid visits to, though he never made a prolonged stay at, Winchendon or Wooburn; and when he went north, he was less likely to be found at Wharton Hall than at Edenhall, the seat of his relative, Sir Christopher Musgrave.[1] Sir Christopher was, apparently, a man after his own heart, and many a carouse did they have. At Edenhall was piously preserved a great drinking-glass, said to have been seized by a member of the Musgrave family at a banquet of the fairies, one of whom on that occasion exclaimed—

> "If this glass do break or fall,
> Farewell the luck of Edenhall."

In his cups the Duke used to toss the goblet in the air and catch it. once he missed it, when it must have been smashed but for a vigilant butler who caught it in a napkin. It was at Sir Christopher Musgrave's that occurred the Homeric drinking-bout, which the Duke recorded in a set of mock-heroic verses, that perhaps are his most noteworthy literary composition:—

A True and Lamentable Ballad

called

THE EARL'S DEFEAT

(To the tune of Chevy-Chase)

"On both sides slaughter and gigantic deeds"—Milton

God prosper long from being broke
The Luck of Eden-Hall;
A doleful drinking-bout I sing,
There lately did befal.

[1] Frances, youngest daughter of Philip, third Baron Wharton, married Sir Richard Musgrave, Bart. Sir Christopher was the great-grandson of this union.

To chase the spleen with cup and can
Duke Philip took his way,
Babes yet unborn shall never see
The like of such a day.

The stout and ever-thirsty duke
A vow to God did make
His pleasure within Cumberland
Three live-long nights to take.

Sir Musgrave too of Martindale,
A true and worthy knight,
Eftsoon with him a bargain made,
In drinking to delight

The bumpers swiftly pass about,
Six in a hand went round;
And, with their calling for more wine,
They made the hall resound.

Now when these merry tidings reach'd
The earl of Harold's ears;
"And am I (quoth he, with an oath)
Thus slighted by my peers?

"Saddle my steed, bring forth my boots,
I'll be with them right quick;
And, master sheriff, come you too;
We'll know this scurvy trick."

"Lo! yonder doth earl Harold come;
(Did one at table say;)
"'Tis well," replied the mettled duke,
"How will he get away?"

When thus the earl began; "Great duke,
I'll know how this did chance,
Without inviting me, sure this
You did not learn in France.

"One of us two, for this offence,
Under the board shall lie;
I know thee well, a duke thou art,
So, some years hence, shall I.

"But, trust me, Wharton, pity 'twere
So much good wine to spill,
As these companions here may drink,
Ere they have had their fill.

"Let thou or I, in bumpers full,
This grand affair decide,"—
"Accurs'd be he (duke Wharton said)
By whom it is denied."

To Andrews, and to Hotham fair,
Many a pint went round;
And many a gallant gentleman
Lay sick upon the ground.

When, at the last, the duke espied
He had the earl secure;
He plied him with a full pint glass,
Which laid him on the floor.

Who never spoke more words than these,
After he downward sunk,
"My worthy friends, revenge my fall,
Duke Wharton sees me drunk."

Then, with a groan, duke Philip took
The sick man by the joint,
And said, "Earl Harold, 'stead of thee,
Would I had drunk the pint.

"Alack! my very heart doth bleed,
And doth within me sink;
For surely a more sober earl
Did never swallow drink."

With that the sheriff, in a rage,
To see the earl so smit,
Vow'd to revenge the dead-drunk peer
Upon renown'd sir Kit

Then step'd a gallant 'squire forth,
Of visage thin and pale,
Lloyd was his name, and of Gang-Hall,
Fast by the river Swale

Who said he would not have it told,
Where Eden river ran,
That unconcern'd he should sit by;
"So, sheriff, I'm your man."

Now when these tidings reach'd the room,
Where the duke lay in bed,
How that the 'squire suddenly
Upon the floor was laid:

"O heavy tidings! (quoth the duke)
Cumberland witness be,
I have not any toper more
Of such account as he."

Like tidings to earl Thanet came,
Within as short a space,
How that the under-sheriff too
Was fallen from his place.

"Now God be with him (said the Earl)
Sith 'twill no better be,
I trust I have within my town,
As drunken knights as he."

Of all the number that were there,
Sir Bains he scorn'd to yield;
But with a bumper in his hand,
He stagger'd o'er the field.

Thus did this dire contention end;
And each man of the slain
Were quickly carried off to bed,
Their senses to regain

God bless the King, the duchess fat,
And keep the land in peace;
And grant that drunkenness henceforth
'Mong noblemen may cease.

And likewise bless our royal prince,
The nation's other hope;
And give us grace for to defy
The Devil and the Pope.

Wine, women, and horses, are not economical indulgences, and the Duke's extravagances soon made a great hole in his fortune, which has been variously estimated at £14,000 and £16,000 a year. It has been said that he lost no less than £120,000 by speculating in South-Sea stock, but of this there is no proof; and yet if he did not lose a vast sum in this or some other way, it is difficult to understand how he contrived to get rid of so much money, even making a liberal allowance for the debts he incurred during his minority, in little more than two years after he came of age Racing, however, had its share in impoverishing him, for, if Lady Cowper's information was correct, he betted very heavily. "Wharton at Newmarket," she wrote on May 4, 1720, "has lost a great deal of money; some say £13,000." [1] In maintaining a racing-stable, the Duke carried on the traditions of his father, who had been a prominent figure on the turf. Thomas, Marquis of Wharton had had the finest stud in England, and it was his special delight to run his horses against those of Tory magnates. "Sometimes," says Macaulay, "when, in a distant country, it was fully

[1] Mary, Countess Cowper · *Diary*, 194

expected that the horse of a High Church squire would be first on the course, down came, on the very eve of the race, Wharton's Careless, which had ceased to run at Newmarket merely for want of competitors, or Wharton's Gelding, for whom Louis XIV. had in vain offered a thousand pistoles." [1] Besides these horses the Marquis owned, among many others, Old Smithson and St Martin (son of the Duke of Buckingham's famous spanker, by Lord D'Arcy's Yellow Turk); but his fame as an owner rests mainly on the horses mentioned by Macaulay. Careless was never beaten and at last nobody ran against it. Finally the Marquis proposed to run him against two horses, half the course against one, the other half against another. This wonderful feat he actually achieved once at Newmarket, but essaying it again lost. Louis XIV., about 1678, offered a Plate of one thousand pistoles, to tempt English owners to send their best horses to France, so that he might have an opportunity to buy some of them, after seeing their performances The Marquis sent Wharton's Gelding, which won the race. The King offered a thousand pistoles for the horse This Wharton declined, and proposed to present the animal to his Majesty Louis would not accept it on these terms, and the Marquis would not sell it, so Wharton's Gelding was sent back to England.[2] The Duke's stable, in point of interest, never equalled that of his father, but he was a great runner of race-horses at Newmarket from 1717 until the state of his finances prevented him from spending money on his stud.[3] In some verses, now printed for the first time, he sang the joys of racing :—

[1] *History of England* (ed. 1877), 1 463

[2] *Memoir of Thomas, Marquis of Wharton* (1715), 97

[3] Black: *Horse-Racing in England* In this work (pp 9, 19, 290-1) are given some particulars of matches in which the Duke's horses engaged.

A SONG MADE AT YORK RACES

(To the tune of "Ladies of London O")

Ye powder'd Gallants who saunter at White's
attend and give ear to my Ditty
No longer dangle of Drawing-room Nights
but mount and repair to York citty.
Leave the stale charms of musty old Toasts
to Foreigners only delighting
Of Fabrice and Staremberg let them make Boast
but come you where this is inviting.

Bolton we are told hath been formerly fair
and made some of our fathers' Mouths water
But sure none Could think she could ever Compare
with Milner or Hotham's fine Daughter.
For Pultney some of them are running Stark mad
whilst other do fancy Miss Janson
But what care I whether they are merry or sad
whilst I can see Wentworth or Thomson.

May be there's few can suit wth the last,
Because not of German Extraction
If none can engage but two Yards in the Waste
Alass you'll find small Satisfaction.
Brittains, for shame detest foreign Charms
To those who deserve pay your Duty;
Let dull headed Dutch men for tallow fiel Pains
Acknowledge your own home bred Beautty.

If you have a mind to see anything Gay
Miss Lawson will dance you Joans Placket
And for a Minuet all must give way
To the Gentleman in the short Jackett.
There's Howard and Moyser, Ramsden and Moore,
hath Charms beyond any Bard's fiction
But they now in Silence must be past or'e
Least they Suffer by my ill Description.

Call for your Boots and without more delay
Whip on your Jocky arrayment
Perhaps too your Duns may fall in a Day
this Journey will do stead of Payment.
Were the divertions but here trully known
No Party wou'd strive for vile Places
But gladly quit the insignificant Town
And haste to the Joys of York races.[1]

However it happened, within a short time of his attaining his majority the Duke's affairs were in a parlous condition. "The Duke of Wharton has restricted himself to £2000 a year," J. Johnston wrote to Colonel James Graham, April 14, 1722, "and has taken a house at Twickenham for retirement for seven years."[2] The state of his credit must indeed have been deplorable, for in a satirical poem of the day, entitled "The Duke of Wharton's Whens," the likelihood of his paying his debts was included in a malicious catalogue of impossibilities:—

When gentle Thames rouls back her silver Streams,
And German Wit adorns our British Dames,
When Walpole's Honest and Newcastle's Wise,
Or England's Senate Cowper's voice dispise,
When Young to prostitute his Vow shall cease,
And Townshend's Counsell bless the Land with Peace,
When Doddington of Arrogance is cur'd,
And all his formal Nonsense is endur'd,
When Wharton's Just, and learns to pay his Debts,
And Reputation dwells at Mother Brett's,
When Molly How shall dare commence a saint,
And Harvey cease to wear such Loads of Paint,
When Maids of Honour think of Reputation,
And pass for really Maids throughout the Nation,
When Carter's Modesty shall show a Shyness,
To any other but His Royal Highness,
When on the Prince one single Grace shall smile,
Or Honour cease to sparkle in Argyle,

[1] *Stowe MSS*, 970, ff. 57-8. [2] *Bagot MSS.*, 344.

When manners are reform'd by Billy Vaughan
Or Clark, thy Elbow cease to itch at Lawn,
When Charters shall the Laws of God dispense,
And Melsington, one word of Commonsense,
When Poet Young for judgment we admire
And her fat Highness shall excite desire,
When the smooth Sycophant shall fail in Carey,
And Clio be as light as Lady Mary,
When Bolton is for Wit and Courage fam'd,
Or Rutland for Extravagance is blam'd,
When Dalkeith's Lady unaffected grows,
Or humble Essex Wit and Honour shows,
When Poultney's Wife shall three Half Crowns refuse,
And Stanhope's courtly genius not abuse,
When Modest Manners no more scruples shows,
Who hide their Faces and their Bums expose
When Harcourt's honest, Atterbury meek,
And Pope translates the Odyssee from Greek,
When Halifax shall gain his unkle's fame,
Or any other merit than his name,
When Floyd is sound, and Lady Gage grows Chaste,
And Darlington's but three yard round the Waste,
When Halifax shall gain his Unkle's Fame
Or any other Merit but his Name,
When Bolton's Duchess draws no scandal on her,
Or our Cadogan values point of Honour,
When the Vice Chamberlain drys up his Sores,
And Chetwynd shall disband his Troop of Whores,
When Biddy Knowles' Maidenhead is found,
And Lady Drogheda once more is sound,
When South Sea Schemes in England is forgot,
Or Barkley has one tender, Graceful Thought:
Then, Celia, shall my constant Passion cease,
And my poor suffering Heart shall be at peace.[1]

This lampoon was evidently very popular in its day, and it is so amusing even now, nearly a hundred years after it was written, that no apology is needed for printing

[1] *Harleian MSS*, 6933 ff. 61-2.

another version, preserved among the Stanhope Papers. Strangely enough this latter manuscript is subscribed "Wharton, Duke," and the suggestion that the Duke was the author is supported by the fact that in "The New Foundling Hospital for Wit" (i 221), there is a piece ascribed to him, entitled "On the Bishops and Judges," which is composed of the first fourteen lines of the manuscript version in the Stanhope Papers, to which is added, as a conclusion,

> Then shall I cease my charmer to adore,
> And think of Love and Politics no more.

When York, to heaven, shall lift one pious Eye,
And love his wife above Adultery,
When Godliness, to gain, shall be preferr'd
By more, than two, of the Right Reverend Herd;
When Parker, shall pronounce upright decrees,
And Hungerford, refuse his double Fees,
When Pratt, with justice, shall dispense the laws,
And King, once partially decide a Cause,
When Tracy's, generous soul, shall swell with Pride,
And Eyre, his haughtiness, shall lay aside,
When honest Pryce, shall trim, or buckle under,
And Powis, sum a Cause, without a Blunder,
When Page, one uncorrupted Finger shows,
And Fortescue, deserves a better Nose,
When Yonge, to prostitute his Vote shall cease,
And Townshend's Council bless the land with Peace,
When Walpole's honest, or Newcastle wise,
And Britain's Senate, Cowper's voice despise;
When Halifax, shall gain his Uncle's fame,
Or any other merit than his Name;
When Wharton's just, and learns to pay his debts,
And Reputation lives at Mother Brett's;
When Bolton's fam'd for Courage, or for Sense,
And Rutland, noted for Extravagance,

[1] The manuscript of the version in the Stanhope Papers was very kindly sent me by Mrs A. M. W. Stirling

When Young, with judgment, writes, as well as fire,
And her fat Highness, can excite Desire,
When on the Prince, she graciously doth smile,
And Honour cease to sparkle in Argyle;
When Manners, fades, and Lady —— grows chaste,
And Kendall's but three yards about the Waist;
When Maids of Honour, value Reputation,
And pass for real Maids, throughout the Nation;
When slender Cart'ret, shows a bashful shyness,
To any body, but his Royal Highness;
When Chartres, shall the word of God, dispense,
And Milsington, shall speak one word of Sense;
When River Thames, rolls back his silver streams,
And Grecian souls, inspire our British Dames;
Then, shall I cease Belinda to adore,
And think of Love, and Politics, no more.

The villa—in later days called "The Grove"—which the Duke leased from 1722 at Twickenham was at the farther end of the hamlet from London, about a quarter of a mile from Pope's residence. His association with the place has been recorded by Horace Walpole in "The Parish Register of Twickenham:

Twickenham, where frolic Wharton revelled,
Where Montagu, with locks dishevelled,
Conflict of dirt and warmth combin'd,
Invoked—and scandalised the *Nine*.

Pope, the Duke came to know well enough to enable the poet to write the admirable character sketch,[1] and with Henrietta Howard, Countess of Suffolk, he had some acquaintance after she came to live at Marble Hill. It was with Lady Mary Montagu, however, that of all the residents at Twickenham he was most intimate. Indeed, Jesse suggests that it was the wit and beauty of Lady Mary that induced the Duke to settle in the neighbour-

[1] See Preface.

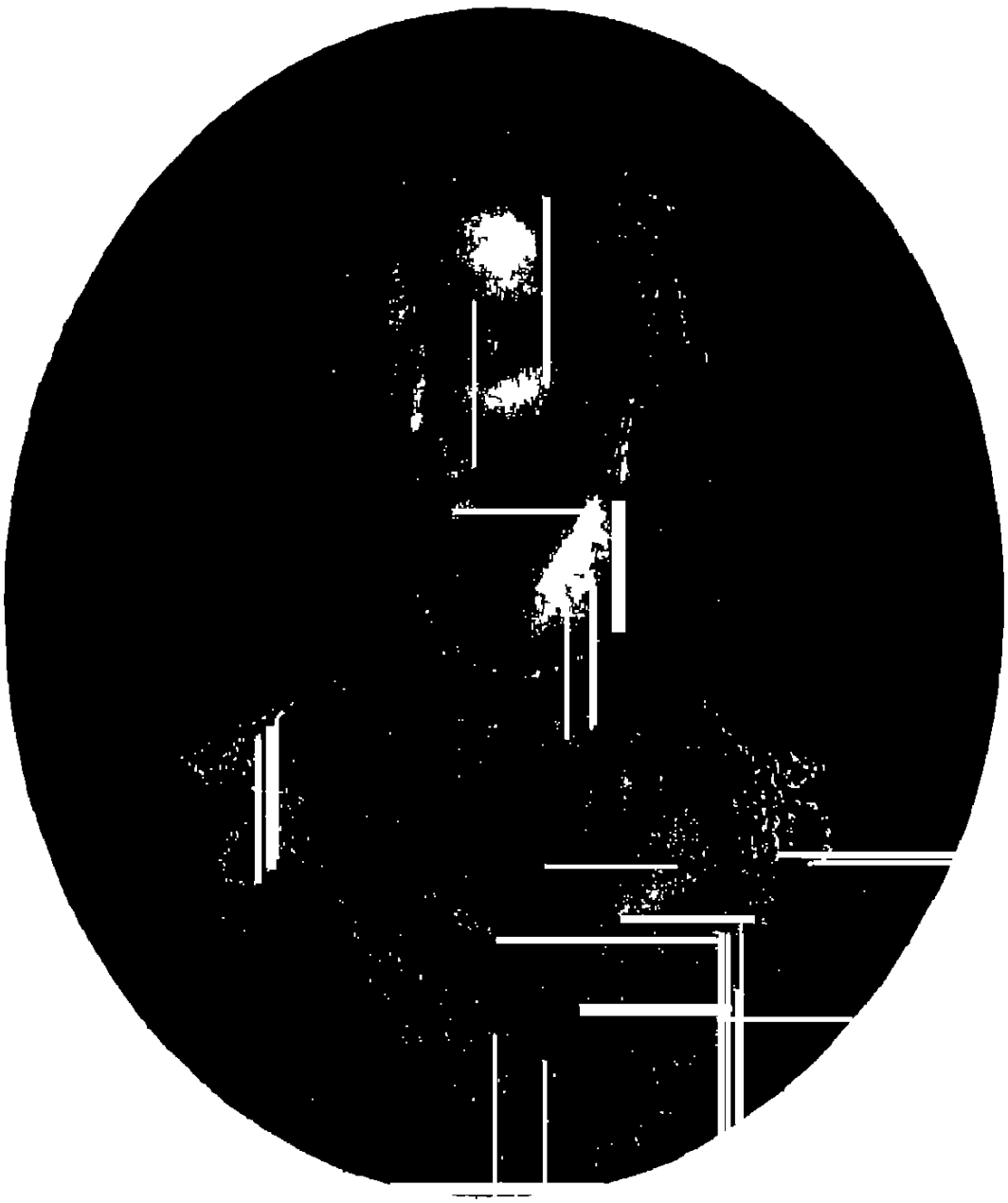
hood; and Pope's jealousy of the Duke's attentions to her may well have been, as Lady Mary asserted, one of the reasons of the historic breach between the poet and her Ladyship. Whether the Duke was in love with Lady Mary, or she with him, it is not possible to say; but from the little that is known about their relations, it would seem as if they were good comrades rather than anything else. The Duke wrote a play on Mary, Queen of Scots—of which only four lines have been preserved:

> Sure were I free, and Norfolk were a prisoner,
> I'd fly with more impatience to his arms,
> Than the poor Israelite gaz'd on the serpent,
> When life was the reward of every look.[1]

It is usually stated that this play was written at some time between 1728 and 1730, but it is certain that it was begun at this time—probably it was never finished. Perhaps only the scenario was drawn up, and a few scenes outlined; but that so much at least was done while the author was at Twickenham is proved conclusively by the fact that at this time Lady Mary composed for the play an Epilogue, designed to be spoken by Mrs Oldfield

> What could luxurious woman wish for more,
> To fix her joys, or to extend her pow'r?
> Their every wish was in this Mary seen,
> Gay, witty, youthful, beauteous, and a queen.
> Vain useless blessings with ill-conduct join'd!
> Light as the air, and fleeting as the wind.
> Whatever poets write, and lovers vow,
> Beauty, what poor omnipotence hast thou?
> Queen Bess had wisdom, council, power, and laws;
> How few espous'd a wretched beauty's cause?
> Learn thence, ye fair, more solid charms to prize;
> Contemn the idle flatt'rers of your eyes.

[1] Walpole: *Royal and Noble Authors*, iv. 125.



F Zincke, pinx *J Hopwood, sculp*

LADY MARY WORTLEY MONTAGU

The brightest object shines but while 'tis new;
That influence lessens by familiar view.
Monarchs and beauties rule with equal sway,
All strive to serve, and glory to obey;
Alike unpitied when depos'd they grow—
Men mock the idol of their former vow.
Two great examples have been shown to-day,
To what sure ruin passion does betray;
What long repentance to short joys is due;
When reason rules, what glory must ensue.
If you will love, love like Eliza then;
Love for amusement, like those traitors, men.
Think that the pastime of a leisure hour
She favor'd oft—but never shar'd her pow'r.
The traveller by desert wolves pursued,
If by his heart the savage foe's subdu'd,
The world will still the noble act applaud,
Though victory was gain'd by needful fraud.
Such is, my tender sex, our helpless case;
And such the barbarous heart, hid by the begging face;
By passion fir'd, and not withheld by shame,
They cruel hunters are, we trembling game.
Trust me, dear ladies (for I know 'em well),
They burn to triumph, and they sigh to tell:
Cruel to them that yield, cullies to them that sell.
Believe me, 'tis by far the wiser course,
Superior art should meet superior force:
Hear, but be faithful to your int'rest still:
Secure your hearts—then fool with whom you will.[1]

At Twickenham the Duke seems in some degree to have relied for his entertainment upon his pen. There he wrote his articles for the *True Briton*, which will presently be discussed; and he also indited various trifles in verse. Never neglecting an opportunity to indulge his antic humour, when Lady Mary Wortley Montagu wrote a poem on the untimely death of a friend, he could not refrain from presenting her with a parody.

[1] Dodsley: *Miscellanies.*

ON THE DEATH OF MRS BOWES

By Lady Mary Wortley Montagu

Hail, happy bride! for thou art truly bless'd;
Three months of rapture crown'd with endless rest;
Merit like yours was Heav'n's peculiar care,
You lov'd—yet tasted happiness sincere:
To you the sweets of love were only shown,
The sure succeeding bitter dregs unknown.
You had not yet the fatal change deplor'd,
The tender lover for th' imperious lord;
Nor felt the pains that jealous fondness brings,
Nor wept that coldness from possession springs;
Above your sex distinguish'd in your fate,
You trusted—yet experienc'd no deceit.
Soft were your hours, and wing'd with pleasure flew,
No vain repentance gave a sign to you;
And if superior bliss heav'n can bestow,
With fellow-angels you enjoy it now.[1]

THE ANSWER

By the Duke of Wharton

Hail, Poetess! for thou art truly blest,
Of wit, of beauty, and of love possest;
Your muse does seem to bless poor Bowes's fate,
But far 'tis from you to desire her state;
In every line your wanton soul appears,
Your verse, tho' smooth, scarce fit for modest ears;
No pangs of jealous fondness doth thou shew,
And bitter dregs of love thou ne'er didst know:
The coldness, that your husband oft has mourn'd,
Does vanish quite, when warm'd on Turkish ground;
For Fame does say, if Fame don't lying prove,
You paid obedience to the Sultan's love.
Who, fair one, then, was your imperious Lord?
Not Montagu, but Mahomet the word:

[1] *New Foundling Hospital for Wit*, i. 228.

Great as your wit, just so is Wortley's love,
Your next attempt will be on thund'ring Jove;
The little angels you on Bowes bestow,
But gods themselves are only fit for you.[1]

No writer of verses likes to have fun poked at her composition, even in the form of friendly banter, but Lady Mary seems to have borne the affliction admirably. The Duke, however, never knew when he had gone far enough—probably he was never interested enough to care—and at last his frolicsomeness took a turn which, though she could not refrain from smiling, annoyed her intensely.

Lady Mary Wortley Montagu to the Countess of Mar

[*Early in* 1725]

Sophia and I have an immortal quarrel; which though I resolve never to forgive, I can hardly forbear laughing at. An acquaintance of mine is married, whom I wish very well to: Sophia has been pleased, on this occasion, to write the most infamous ballad that ever was written; where both the bride and bridegroom are intolerably mauled, especially the last, who is complimented with the hopes of cuckoldom, and forty other things equally obliging, and Sophia has distributed this ballad in such a manner as to make it pass for mine, on purpose to pique the poor innocent soul of the new-married man, whom I should be the last of creatures to abuse. I know not how to clear myself of this vile imputation, with[out] a train of consequences I have no mind to fall into. In the meantime, Sophia enjoys the pleasure of heartily plaguing both me and that person.[2]

Perhaps the offence would have been forgiven, but soon after the breach he went abroad, and Lady Mary never met him more.

[1] *New Foundling Hospital for Wit*, i. 228.
[2] *Letters of Lady M. W. Montagu*, i. 372.

CHAPTER VII

PRIVATE LIFE—II

(1719-1723)

The Duke's name a byword for dissipation—His faults—His intemperance—His pleasures—The company he kept—"The Duke of Wharton's Ballad"—The better side of his nature—The friend and patron of Edward Young—A quaint present—He bestows annuities upon the poet—Young dedicates "The Revenge" to the Duke—The dedication subsequently suppressed—Dr Johnson's indignation at this act—The Duke and other literary folk—Mrs Centlivre—Gabriel Roussillon—"Britannicus"—The Duke's gift to All Souls' College, Oxford—The Duke a Freemason—Elected Grand Master—Creates trouble on his retirement from office—Founds a Lodge at Madrid

THE Duke's name became a byword for all that was reckless and dissipated, and he was looked at askance by respectable people, even in those days when ample allowance was made for the high spirits and consequent excesses of young men in great positions. It is not to be denied that he had many and grievous faults. He drank over-much—a habit which, it will be seen, unfortunately grew upon him—with the worst consequences to himself, and sometimes to his friends.

Dr William Stratford to Lord Harley

April 30, 1721.

Our late knight [1] is supposed to have been taken with

[1] James Herbert, M.P. for the county of Oxford, was drowned on April 27, 1721, owing to his slipping off a foot-bridge between his house and Thame

an apoplexy, as he was going over the bridge. He was walking out alone into his grounds, as he used to do, about ten in the morning. There had indeed about five days before been a very hard bout, which might have helped it, at a meeting Duke Wharton had with the Tory gentlemen.[1]

The Duke indulged unduly, too, in licentious pleasures; he was careless of the company he kept so long as it was amusing. Further, and this was regarded as his worst sin by his neighbours, who, however they misconducted themselves during the week, affected piety on the Sabbath, he actually hunted on Sundays on those rare occasions when he was in residence at Wharton Hall. It was said of him, indeed—but the charge is so vague as to carry no weight—that he showed an equal contempt of the laws of God and man. This view of the young man is given in a set of anonymous verses, hitherto unpublished, written probably about 1721:—

THE DUKE OF WHARTON'S BALLAD

No more of Politick's lett's talk,
What is't to me,
Who lately got or made a baulk
In y^e South Sea?

Have wee dull Peace,
Or do we fight,
Nothing can Echoe the Delight
Of a full Glass.

Have wee an Upstart made a Lord
We'll ne're repine,
So that my Cellars are well Stored
With good French Wine.

[1] *Portland MSS.*, vii. 296.

Lett others follow Statesmen's Whimsies
And cool their Heels,
Or goe in Sower[d] at S[t] James's
To Leicester Field's.

Careless am I, let who will reign
On Brittain's Ile,
Nothing in life shall give me Pain
So Mordaunt Smile [1]

Much of what was urged against the Duke was tru
but most certainly it was not the whole truth, and in
far as it was true it applied only to the brief perio
between his return from the Continent and his going int
semi-retirement at Twickenham. Even in the days
the worst excesses he did not give himself over entirel
to debauchery. If he frequented low haunts, he als
enjoyed reputable company; if he indulged in drinking
bouts, he gave of his time to attendance at the House
Lords, to the composition of the *True Briton*, and t
participation in politics outside Parliament; if he wa
the companion of Charteris, he was also the friend an
patron of Young and of other, though less distinguished
men of letters.

The Duke on his return from Ireland renewed his in
timacy with Young. He had not forgotten the poe
while they were apart, however, for when it had come t
his knowledge that his friend was writing a tragedy—
probably "Busiris, King of Egypt"—he, with character-
istic humour, sent him a human skull with a candle fixed
in it, as the lamp best suited for the composition o
tragedy. Young was unable to respond to the Duke's
invitation to live with him, for he was then tutor to Lord
Burghley, son and heir of the Earl of Essex; but the Duke
was not to be thwarted, and induced him to relinquish
his post by giving him a deed, dated March 24, 1719, for

[1] Add. MSS., 34744, f. 123.

an annuity of £100; the preamble to the grant running, "Considering that the public good is advanced by the encouragement of learning and the polite arts, and being pleased therein with the attempts of Dr Young, in consideration thereof and of the love I bear him," etc. But though the Duke was generosity itself, his funds were low, and the annuity soon fell into arrears, indeed it seems never to have been paid, since on July 10, 1722, £350 was due to Young, for which, in lieu of the debt, the Duke granted him a second annuity of £100 Subsequently both deeds were cancelled in favour of another for an annuity of £200 a year for life, chargeable on certain property. This presumably was paid regularly. Young's troubles in connection with the annuity were not yet at an end, however, for after his patron's death, the creditors resisted Young's claim on the estate, which had at this time been in trust for several years. The case—Stiles *v.* the Attorney-General—was heard before Lord Hardwicke, who decided that the first annuity was not given for legal consideration Young, however, having stated in his examination before the Master (February 4, 1730) that he had been offered £100 for life if he would continue tutor to Lord Burghley, and that he had refused this in consequence of the Duke having promised to provide for him in a much more ample manner, Lord Hardwicke decided that Young's refusal of this offer, and the debt on the first annuity, were both legal considerations, and he directed the annuity of £200 to be paid out of the trust estates. Young also claimed payment of a bond for £600, dated March 15, 1721, which the Duke had given him to remunerate him for the expense he had incurred, in standing, at the Duke's request, a contested election for Cirencester, in which he was defeated, but Lord Hardwicke stated that this bond was not for legal consideration, and it was not ordered to be paid.

In the *Percy Anecdotes* is a story, repeated by

Jesse, to the effect that when Young published his poem "Love of Fame, the Universal Passion," the Duke of Wharton made him a present of £2000; and that when a friend of his Grace's expressed surprise, "What, £200 for a poem!" the Duke smiled and said it was the best bargain he had ever made, for the poem was fairly worth double the amount. The story may be true, but not in relation to "The Universal Passion," for the first of the seven satires was not published until 1725, when the Duke had not such a sum of money to give anybody. The gift must have been given in return for the dedication to the Duke, in 1721, of "The Revenge." [1]

This fulsome dedication may be excused since fulsome dedications were the order of the day, but it is difficult to find excuses for Young's subsequent conduct in relation to his patron "Young was certainly not ashamed to be patronized by the infamous Wharton. But Wharton befriended in Young, perhaps, the poet and particularly the tragedian. If virtuous authors must be patronized only by virtuous peers, who shall point them out?" thus, somewhat cynically, Samuel Johnson, who at one time had not been averse from taking unto himself a patron. The honest Doctor was displeased less by the fact that the poet had had a patron than by the fact that Young had endeavoured later to conceal the fact that Wharton had been his patron, by suppressing the dedication. "He should have remembered," said Johnson, "that he at the same time concealed his obligation to Wharton for *the most beautiful incident* in what is surely not his least beautiful work." Young may well have desired not to advertise his connection with Wharton when the latter was an outlaw; but in that case surely he should have refrained from insisting upon the payment of the annuity granted him by one whom he disowned alike as patron and friend. Young, however, was not sensitive

[1] The Dedication is printed in Appendix B (ii).

in these matters, nor was he in dire need of money, for in 1725 he had obtained a grant from the Crown of £200 a year, which drew upon him the satire of Swift, who speaks of the Court as a place—

> "Where Young must torture his invention
> To flatter knaves, or lose his pension."

Young was not the only writer who dedicated a volume to the Duke. Mrs Centlivre dedicated to him one of her plays, published in 1719, "A Bold Stroke for a Wife," and she did not err on the side of depreciation of the young man. Apologising for addressing him, she says that she is in doing so attempting "a work too difficult for our ablest pens, *viz.*, an encomium on your Grace." Then she propounds a conundrum. "If your Grace discovers a genius so surprising in this dawn of life, what must your riper years produce?" To this the gifted playwright offers no solution. All she can do is to beg him "to charm the world with the beauty of your numbers, and shew the poet, as you have done the orator," and "convince our unthinking Britons, by what vile Arts France lost her liberty, and teach 'em to avoid their own misfortunes, as well as to weep over Henry IV."—and now comes the lady's happiest touch—"who (if it were possible for him to know) would forgive the bold assassin's hand, for the honour of having his fall celebrated by your Grace's pen." For this brilliant flight of imagination Mrs Centlivre must surely take her place among the Immortals.[1]

Gabriel Roussillon dedicated his translation of De Vertot's *Revolutions of Portugal* to the Duke. No flatterer he, as he assures us. "Our modern dedications are meer daub and flattery; but 'tis for those who know no better," he says, and there is much truth in it. He

[1] Mrs Centlivre's Dedication is printed in Appendix B (1).

knows better, of course, so he continues: "Your Gra cannot be flatter'd; every body that knows the Duke Wharton will say, there is no praising him, more than deserves." [1]

It may here be mentioned in connection with the a sociation of the Duke and Young, that while there nothing definitely to indicate that it was at the latte suggestion the Duke undertook to contribute a conside able sum of money towards the amount required f building a new quadrangle at All Souls' College, Oxfor yet, as Young was a Fellow of that foundation, and I and the Duke were much together about the time th gift was promised, it is in the highest degree probab that this was the case.

Dr William Stratford, Canon of Christ Church, Oxford, t Lord Harley

August 4, 1720.

Duke Wharton has actually signed articles by whic he obliges himself to build a particular piece of buildin at All Souls' which will amount to £1,183. He is t advance next week £250, and to pay proportionately a the work goes on.[2]

Rev. Warden Gardiner [3] *to Dr Charlett* [4]

August 4, 1720.

GOOD SIR,

Being in your debt at Harden [Hawarden] I hope to satisfy you for all at once by telling you that the Duke of Wharton did me the honour to call upon me there on Saturday was sennight; and in his discourse about our Benefactions his Grace was pleased to promise to

[1] Roussillon's Dedication is printed in Appendix B (iii).
[2] *Portland MSS.*, vii. 279
[3] Rector of Hawarden
[4] Master of University College, Oxford.

All Souls £600 or if necessary £800 towards a pile to join Codrington's Library and Stewart's Tower. By his order I sent off Mr Townsend to his Grace on Monday, and yesterday he returned with a contract under his hand and seal to pay £1,183 for finishing the pile by Midsummer next. This great bounty was given with all the civility and readiness imaginable, and with the kindest expressions of his regard to the University, of whom his Grace intends shortly to receive a Doctor's degree.[1]

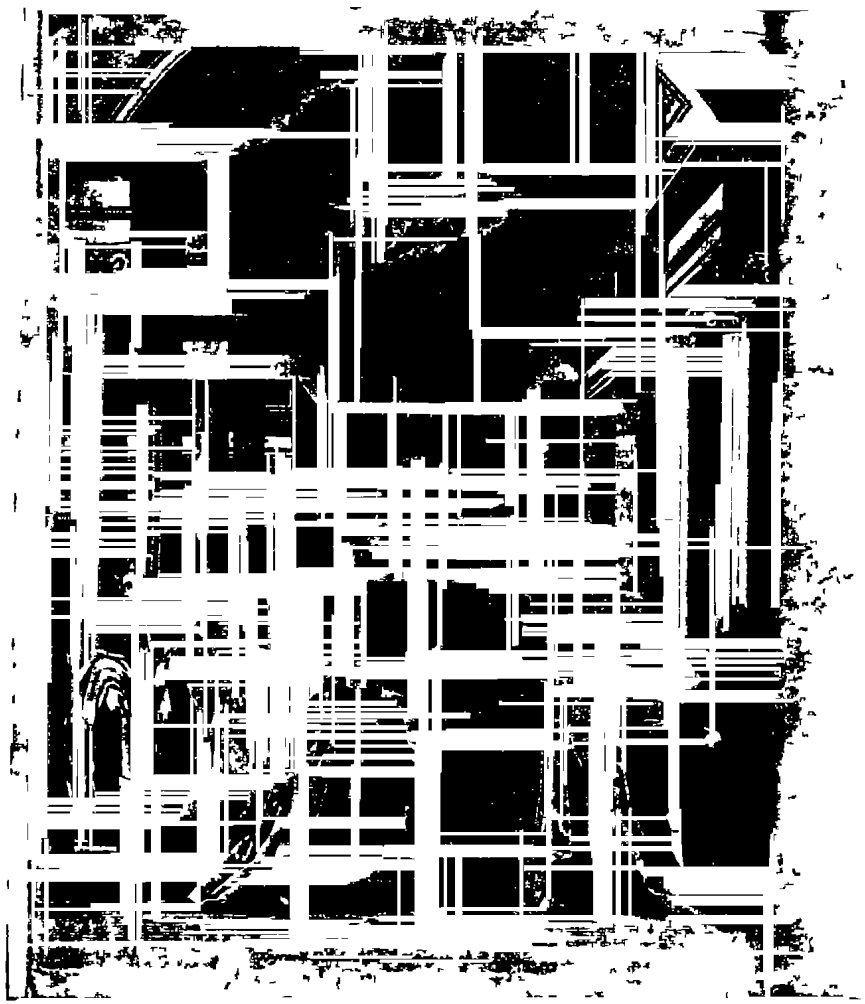
There were those—connected with the University—who saw in this gift a sign of grace, and Dr Thomas Tanner, Canon of Ely (afterwards Bishop of St Asaph), a Fellow of All Souls,[2] who had contributed towards the cost of a new hall for his college, was among the number. "The Lord Duke of Wharton's benefaction to ours, or, indeed, any other, was not expected," he wrote. "It gives promising hopes of a new turn on which that young nobleman of excellent parts—as I have heard—may outlive his ancestors." The Duke did not receive the honorary degree he desired, but his memory was perpetuated by an inscription on the north side of the quadrangle:—"The most noble Prince Philip, Duke of Wharton, doing honour by his munificence to the Muses whom he had lovingly and zealously courted, had this edifice erected at his expense, A.D. 1720."

Early biographers of the Duke of Wharton have nothing to say of him as a Freemason beyond the bare fact that in 1722-3 he was Grand Master of the Society, but now a little more information has been brought to light by Mr R. F. Gould, who, in his series of articles on Masonic Celebrities, in *Ars Quatuor Coronatorum*, devoted a

[1] *Ballard MSS*, 20 17; quoted from Burrows: *Worthies of All Souls*, 397-8.

[2] It was not until 1751 that, through the efforts of Blackstone, the College received from the trustees of his estate the money promised by the Duke.

special article to the Duke. In the early days of the Hanoverian dynasty, the Freemasons were looked upon with suspicion, and the secrecy in which all concerning the craft was enveloped inclined the Government to regard the Society as composed mainly of Jacobites. It was this feeling that induced the Freemasons to give a public assurance that they were not a political body. "A few days ago," so runs a passage in the *London Journal*, June 16, 1722, "a select Body of Free Masons waited on the Right Honourable the Viscount Townshend, one of His Majesty's Principal Secretaries of State, to signify to his Lordship, That being obliged by their Constitutions, to hold a General meeting now at Midsummer, according to annual custom, they hoped the Administration would take no Umbrage at that Convention, as they were all zealously affected to his Majesty's Person and Government: His Lordship received the Intimation in a very affable manner; telling them, he believed they need not be apprehensive of any Molestation from the Government, so long as they went on nothing more dangerous than the Secrets of the Society; which must be of a very harmless nature, because, as much as mankind love Mischief, no Body ever betray'd them" A few days after this protestation of loyalty, on June 25, at the annual meeting of the Society at Stationers' Hall, the Duke of Wharton was elected to succeed the Duke of Montagu as Grand Master, and Dr Desaguliers to succeed Dr Beal as Deputy Grand Master. An account of the inaugural dinner that followed these elections has been put on record by Robert Samber, the author of *Ebrietatis Encomium; or, The Praise of Drunkenness.* "An Eye-witness of this was I myself, at their late General Meeting at Stationers' Hall, who having learn'd some of their Catechism, pass'd my Examination, paid my Five Shillings, and took my Place accordingly," he wrote. "We had a good dinner, and to their eternal Honour,



THE

CONSTITUTIONS

OF THE

FREE-MASONS.

CONTAINING THE

Hiſtory, Charges, Regulations, &c.
of that moſt Ancient and Right
Worſhipful *FRATERNITY.*

For the Uſe of the LODGES.

LONDON:

Printed by WILLIAM HUNTER, for JOHN SENEX at the [illegible]
and JOHN HOOKE at the *Flower-de-luce* over-againſt *St. Dunſtan's*
Church, in *Fleet-ſtreet.*

In the Year of Maſonry, [illegible]
Anno Domini [illegible]

the Brotherhood laid about them very valiantly. But whether, after a very disedifying Manner their demolishing huge Walls of Venison Pastry, be building up a Spiritual House, I leave to Brother *Eugenius Philalethes* to determine. However, to do them Justice, I must own, there was no mention made of Politics or Religion, so well do they seem to follow the Advice of that Author. And when the Music began to play, 'Let the King enjoy his own again,' they were immediately reprimanded by a Person of great Gravity and Science. The Bottle, in the meanwhile, went merrily about, and the following Healths were begun by a Great Man, the King; Princes and Princesses, and the Royal Family; the Churches by Law established; Prosperity to old England under the present Administration; and Love, Liberty, and Science; which were unanymously pledged in full Bumpers, with loud Huzzas." In whatever respects the Duke of Wharton may have failed in the fulfilment of the duties of his high office, there can be no doubt that in drinking the toasts he was in his element.

The Duke of Wharton was essentially a man of surprises When his year of office expired, he was, according to custom, desired to name his successor, but he declined to do so and referred the nomination to the Lodge, which proposed the Earl of Dalkeith. The Lodge was then acquainted that Lord Dalkeith had, in case of his election, nominated Dr Desaguliers for his Deputy. On the question being put by the Grand Master, That the Deputy nominated by the Earl of Dalkeith be approved, the Lodge divided, and the motion was declared carried by forty-three to forty-two votes. It was after the declaration made at the conclusion of dinner that Lord Dalkeith was to be Grand Master for the ensuing year, that the trouble began.

The Duke's year of office was distinguished by the publication of *The Constitutions of the Free-Masons*

(1723), the preparation of which, by Dr James Anderson, had been ordered by his predecessor, the Duke of Montagu, to whom the volume was dedicated. In this volume is a frontispiece, which, Mr Gould explains, is accepted as representing the Duke of Montagu in the act of presenting a roll of the Constitutions, with the Compasses, to the Duke of Wharton, behind each Grand Master being three figures, their respective Deputies and Grand Wardens. The contents of the work include "The Master's Song" and "The Warden's Song," concerning which it is stated that they were "Compos'd since the most noble Prince Philip Duke of Wharton was chosen Grand Master." In one verse he is mentioned by name :—

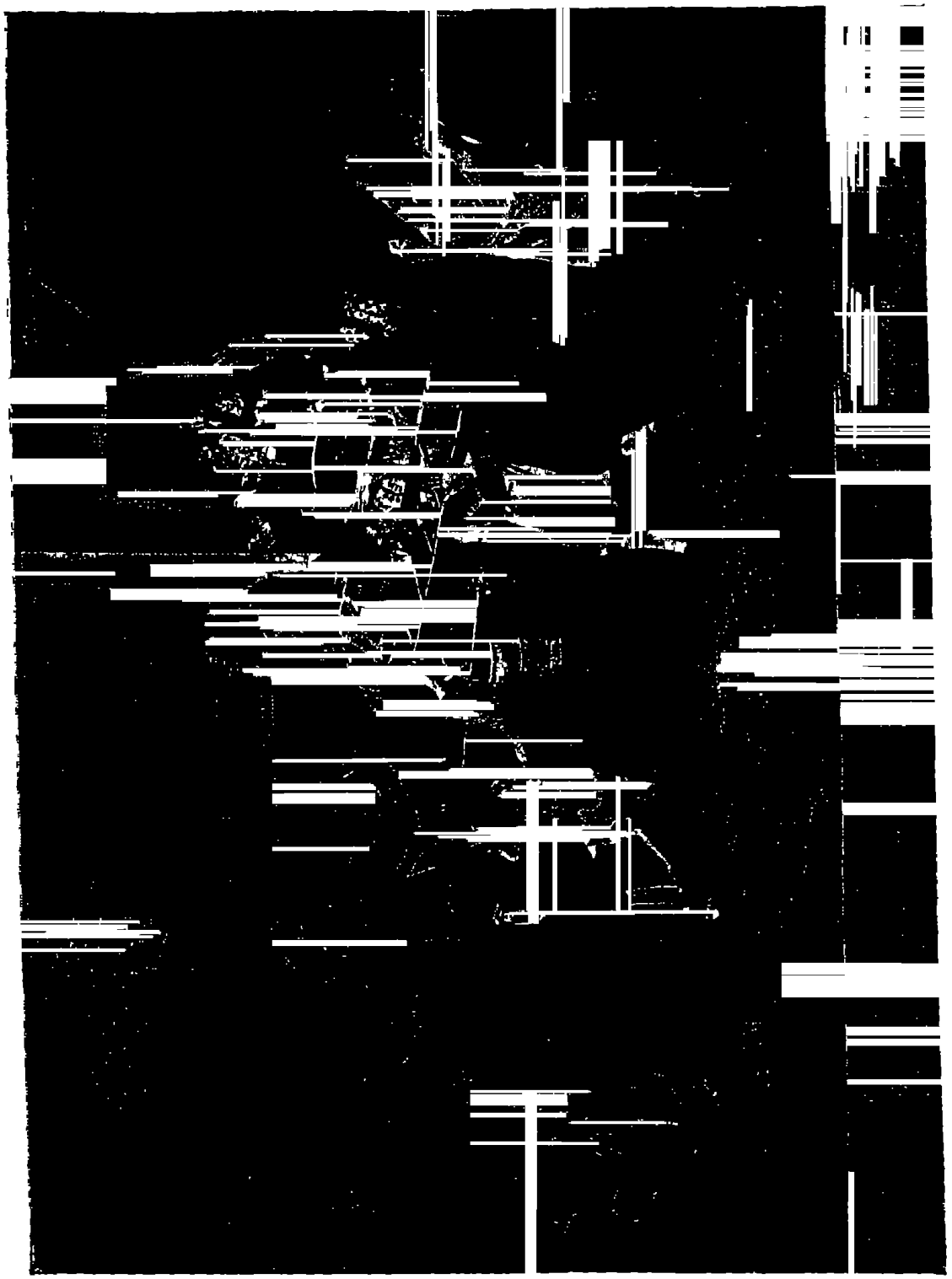
"And with *Geometry* in skilful Hand,
Due Homage pay,
Without Delay,
To Wharton's *noble* Duke our Master Grand.
He rules the *Free-born Sons* of ART,
By Love and Friendship, Hand and Heart." [1]

"The late Grand Master, declaring that he had some doubt upon the above-mentioned Division in the Grand Lodge before Dinner, whether the Majority was for approving Dr Desaguliers, or whether the Tellers had truly reported the Numbers; proposed the said Question to be put again in the General Lodge.

"And accordingly insisting on the said Question being now put, and putting the same, his Worship and several Brethren withdrew out of the Hall as dividing against approving Dr Desaguliers.

"And being so withdrawn,

[1] "The name of the Duke of Wharton in the last verse of the 'Warden's Song,' is allowed to drop out of the "Constitutions" of 1738—and for very similar reasons, it may be supposed, to those that influenced the author of 'The Revenge,' when he suppressed in later editions the glowing —— on that ——, which appeared in the original [illegible] of 1722."—R. F. Gould: *Masonic Celebrities*



"Brother Robinson, producing a written Authority from the Earl of Dalkeith for that purpose, did declare in his Name, That his Worship had, agreeably to the Regulation in that behalf, Appointed and did Appoint Dr Desaguliers his Deputy, and Brothers Sorrel and Sorex Grand Wardens And also Brother Robinson did, in his said Worship's name on behalf of the whole Fraternity, protest against the above proceedings of the late Grand Master in first putting the Question of Approbation, and what followed thereon, as unprecedented, unwarrantable, and irregular, and tending to introduce into the Society a Breach of Harmony, with the utmost Disorder and Confusion.

"Then the said late Grand Master and those who withdrew from him being returned into the Hall, and acquainted with the foresaid Declaration of Brother Robinson,

"The late Grand Master went away from the Hall without Ceremony." [1]

The matter was further alluded to in a letter from—

James Anderson to the Duke of Montagu

Saturday, June 29, 1723.

May it please your Grace to accept of the thanks of our Brethren [Freemasons] for your good luck and your generous payment for the ticket; but your Grace's company would have been useful, because, though with unanimity they chose the Earl of Dalkeith the Grand Master, represented by his proxy, the Duke of Wharton endeavoured to divide us against Dr Desaguliers (whom the Earl named for Deputy before his Lordship left London), according to a concert of the said Duke and some he had persuaded that morning to join him; nor will the affair be well adjusted until the present Grand Master

[1] *Minutes of the Grand Lodge of England* (quoted by R F. Gould. *Masonic Celebrities. No VI. The Duke of Wharton, G M.*, 121-2).

comes to London. The said Duke has been deeply engaged all this week among the Livery-men of London in the Election of Sheriffs, though not entirely to his satisfaction, which I'm sorry for, but none can help it except Mr Wallpool, who, they say, thinks it not worth while to advise him.[1]

The Duke's interest in the Society did not cease with his year of office, and in 1728, "in his own Apartments in Madrid," he founded the first "warranted or constituted [Lodge] in Foreign Parts by the Grand Lodge England." [2]

[1] *Buccleuch MSS.*, i 373

[2] Lane· *Masonic Records*, 1717-1894 Mr Gould, in his interesting paper on the Duke of Wharton, speaks of the Society of Gormogons, of which the Duke may have been a member. "About the Gormogons, indeed, all is inference and conjecture," Mr Gould has been so good as to write to the author of this work. "We must suppose that the Society or Association actually met, but there is no distinct proof of their having done so." This being the case, the matter is not dealt with here, and readers interested in the subject are referred to Mr Gould's article· *Masonic Celebrities No VI, The Duke of Wharton, G M*, 1722-23, with which is combined *The True History of the Gormogons* Reprinted from *Ars Quatuor Coronatorum* Margate, 1895

CHAPTER VIII

IN PARLIAMENT

(1720-1723)

The Duke takes his seat in the English House of Lords—He again turns Tory—He votes against his old party—He writes lampoons on Sir Robert Walpole—"On Robbing the Exchequer"—His maiden speech—He is active in opposition to the South Sea Company—He speaks frequently on that subject—His first great oration—His onslaught on Lord Stanhope—The Minister's happy retort—The Duke's subsequent appreciation of the character of Lord Stanhope—His remarkable abilities—An example of his humour—A regular attendant at the House of Lords—The King's Proclamation against blasphemous and scandalous clubs—A Bill introduced by the Dean of Windsor—The Duke's speech on the second reading—The tergiversations of the Duke in politics—He becomes acquainted with Francis Atterbury, Bishop of Rochester—An unpublished letter—The Bishop tried for high treason—The Duke plays a trick on Walpole—His famous speech in favour of Atterbury in the debate on the Bill of Pains and Penalties—The Bishop found guilty—The Duke's parting gift to him—His verses, "On the Banishment of Cicero"—His defence of Atterbury in the *True Briton*.

THE Duke of Wharton was on December 21, 1719, introduced into the House of Lords by the Duke of Kingston and the Duke of Bolton. The Government, mindful of the step in the peerage that they had given him, assumed, not unnaturally, that he would from the outset support their policy, and they were at no pains to disguise the pleasure they felt at having, as they thought, by their judicious conduct, secured for their party one who had already won his spurs as an orator. Nothing, however, could ever be predicted of this extraordinary young man, save that he would do the unexpected. He still continued in his opposition to

the Government, a change of front that he had made Ireland, There is mention of this in a letter, dat August 2, 1720, from Dr William Stratford, Canon Christ Church, Oxford, to Lord Harley "I have strange story to tell you when I see you of the Du of Wharton's giving £800 to All Souls' building, a being turned 'errant Tory'" [1]

Edward Harley, Jr., to Abigail Harley

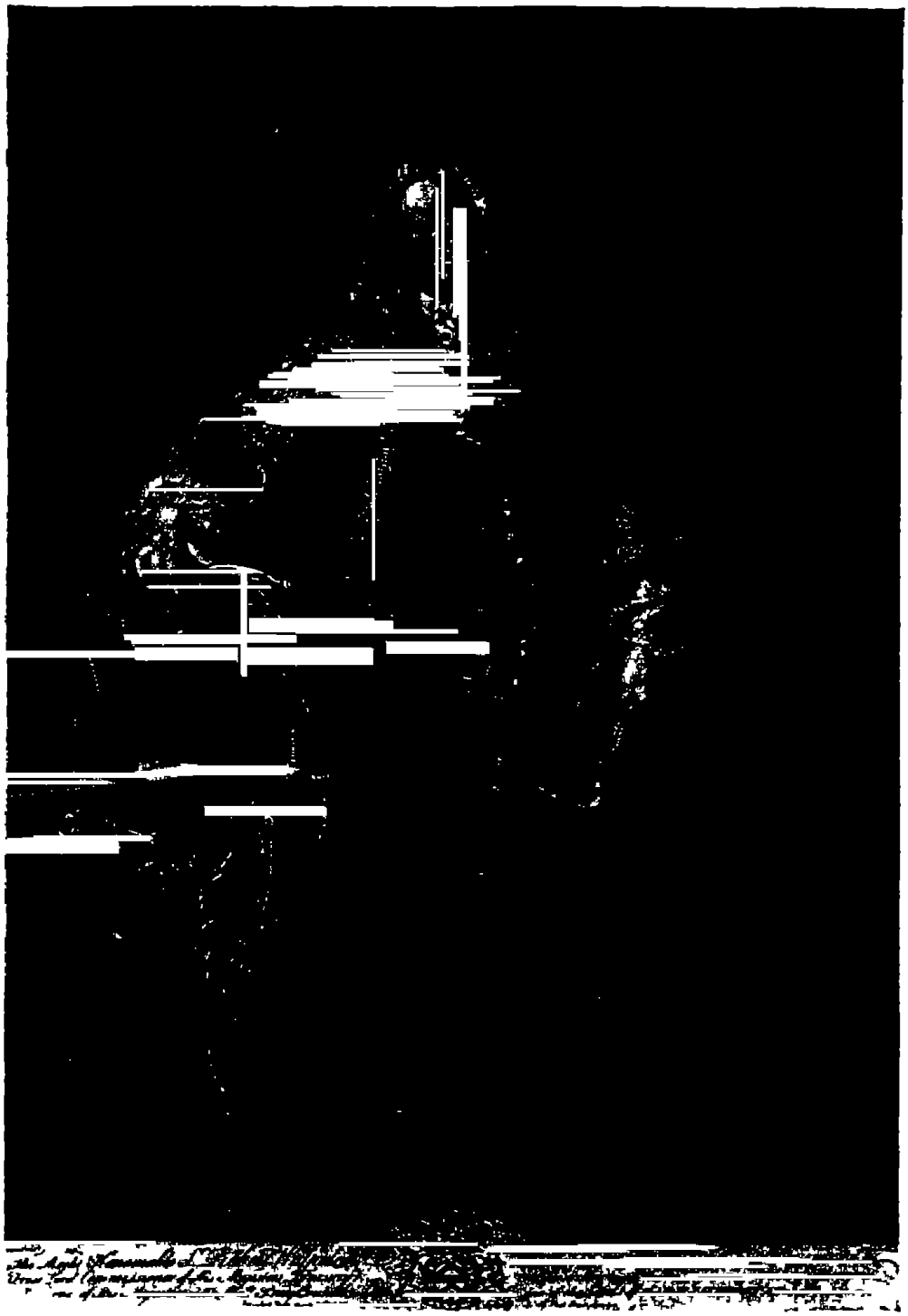
August 2, 1720.

Duke Wharton is again turned Tory, being disgust at the Ministry for not making him Lord Lieutenant Bucks. He has promised to be the friend of the Chur and University, says his family have too long been enemi to both, and that he will endeavour to make amends f what they did. This is his common talk in public cor panies. He has already promised to give £600 to A Souls' College, and intends to come over to the Universit to have a Doctor of Law's degree conferred on him [2]

Eager to serve his new friends, he brought his pen int play for political purposes, and indited several verse attacking Walpole, which pleased the Tories more prol ably than they annoyed the Whigs. The three lampoor printed below will be found in "The New Foundlin Hospital for Wit," where they each bear the title, "O Robbing the Exchequer."

"From sun-set to day-break whilst folks are asleep,
New watch are appointed th' Exchequer to keep,
New bolts and new bars fasten every door,
And the chests are made three times as strong as before;
Yet the thieves in the day-time the treasures may seize,
For the same are entrusted with care of the keys;
From the night till the morning, 'tis true, all is right,
But who will secure it from morning till night?

[1] *Portland MSS.*, vii. 279. [2] *Ibid.*, v. 601



SIR ROBERT WALPOLE

Quoth Wild unto Walpole, 'Make me undertaker,
I'll soon find the rogues that robb'd the Exchequer,
I sha'n't look among those that are us'd to purloining,
But shall, the first, search in the chapel adjoining.'
Quoth Robin, 'That's right, for the cash you will find,
Tho' I'm sure 'twas not they, for there's some left behind;
But if it were they, you could not well complain,
For what they have emptied, they'll soon fill again.'"

Dear Lloid, they say, you're Walpole's ferret,
To hunt him out poor Molly Skerrett,
And thus are grown by vices sinister,
A pimp to such a scrub minister;
Stick to your usual voting trade,
Nor Chetwind's rights presume t' invade,
To purchase Molly to his bed;
The booby lover fum'd, and said,
Spain and the galleons he'd sacrifice,
To buy kind glances from her eyes,
Nay, swore he'd make a plot to pay her,
At least as good as that for Layer,
And bid his old tool, Delafaye,
Keep Lynch and Mason in full pay,
Paxton [1] should teach them what to say,
For hatching plots, and coining treason,
Paxton's esteem'd, with mighty reason,
Molly, 'tis said, by you inclin'd,
Receiv'd his offers, and resign'd;
But Walpole, long by vice decay'd,
Unable was to please the maid;
But none his fury can describe,
Unlike his wretched voting tribe,
To find one member scorn a bribe.
And happy were it for the land,
If corrupt members ne'er could stand;
In vain were all his lying tricks,
His usual arts in politics;
They fail'd in one as well as t'other,
In spite of Townsend and his brother.
What will become of this, dear Lloid,

[1] Solicitor to the Treasury

When once thy master's pow'r's destroy'd,
When he refunds his unjust gains,
By bills of penalties and pains;
When Vaughan shall swear he did mistake him,
And even bishops shall forsake him;
Charters shall bully prove to bang him,
Churchill turn evidence to hang him,
Molly proclaim him fumbling imp,
And you how ill he paid his pimp."

The accounts from Ireland of the Duke's brilliant oratory and of his powers as a debater caused his appearance in the arena at Westminster eagerly to be awaited, and it was with much interest that the Lords at Westminster listened to his maiden speech on April 4, 1720, on the occasion of the second reading of a Bill to enable the South-Sea Company to increase their capital stock. Lord North and Grey spoke in opposition to it, and the Duke, rising immediately after him, endorsed his attitude. He endeavoured, according to one *résumé* of his arguments, to show, firstly, that the South-Sea project might prove itself of infinite disadvantage to the nation, as it gave foreigners an opportunity to double and treble the vast sums they had in our public funds, which could not but tempt them to withdraw their capital stock, with their immense gains, to other countries, and so might drain Great Britain of a considerable part of its gold and silver—secondly, that the artificial and prodigious rise of the South-Sea stock was a dangerous bait which might decoy many unwary people to their ruin, and allure them, by a false prospect of gain, to part with what they had got by their labour and industry, to purchase imaginary riches—and, in the third place, that the addition of above thirty millions new capital would give such a vast power to the South-Sea Company as might endanger the liberties of the nation, and, in time subvert our excellent constitution; since by its ex

tensive interest it might influence most, if not all, the elections of the members, and consequently overrule the Resolutions of the House of Commons.

The South-Sea Company was frequently mentioned in Parliament, though in the nature of things more frequently in the House of Commons than in the House of Lords, but when ever it was discussed in the latter assembly the Duke took part in the discussion. On December 13, 1720, he spoke of the calamitous state of the nation occasioned by the bursting of the gigantic bubble, gave several instances of the "unfair" management of the directors, and moved that a day might be appointed on which the far-reaching tragedy might be considered by the peers.[1] December 20 was chosen for that purpose, and on that day the Duke, after speaking generally of the South-Sea project, called the attention of the House to the fraudulent practices of the managers of the company, and gave one instance in which the treasurer, Knight, was intimately concerned. He concluded by expressing the hope that Parliament would exert its power to punish "the villainous projectors and executors of the South-Sea scheme."[2] After the Christmas recess, he intervened in a debate on the state of public credit, on January 9, to declare that the Government ought to be no respector of persons, that for his part he would give up the best friend he had if concerned in such a disgraceful business, that the nation had been plundered in a most flagrant and notorious manner, and therefore that the offenders should be punished with the utmost severity.[3]

The Duke on these several occasions had spoken well, but not in a manner so brilliant as to justify the reputation that had preceded him across the Channel. His first great speech was delivered in yet another debate on the

[1] *Parliamentary History*, vii. 692.
[2] *Ibid*, vii. 692
[3] *Ibid.*, vii. 697.

South-Sea Company, on February 4, 1721, when he made an attack upon the general conduct of the Government, and concluded with a tremendous philippic on Lord Stanhope, whom he compared to Sejanus, and accused of having created, or, at least, of having fomented, the dissensions between the King and the Prince of Wales. "My Lords," he said, "there was in the reign of Tiberius a favourite Minister, by name Sejanus; the first step he took was to wean the Emperor's affections from his son; the next, to carry the Emperor abroad; and so Rome was ruined." Lord Stanhope, furious at this onslaught, retorted very dexterously upon his assailant. "The Romans were certainly a great people, and furnished many illustrious examples in their history, which ought to be carefully read; and which I make no doubt the noble peer who spoke last has done," he replied. "The Romans were likewise universally allowed to be a wise people; and they showed themselves to be so in nothing more than by debarring young noblemen from speaking in the Senate till they understood good manners and propriety of language. As the Duke has quoted an instance from their history of a bad minister, I beg leave to quote from the same history an instance of a great man, a patriot of his country, who had a son so profligate that he would have betrayed the liberties of it, on which account his father himself [the elder Brutus] had him whipped to death." So angry was Lord Stanhope, and so heated did he become while making his brilliant, bitter reply to the Duke, that in his passion he broke a blood-vessel, from the effects of which accident he died on the following day.

It is agreeable to be able to record that this passage of arms did not embitter the Duke, who subsequently wrote a spirited appreciation of the Minister:—

The Earl of *Stanhope*, who had passed through the greatest employments, is another example of this Glorious

Disinterestedness; and by the Opinion which the World had framed of his Uncorrupt Views, he was not only grown Popular at Home, but was Personally esteemed by all the Princes Abroad. And it is a memorable saying of the late King of *Spain's* of the Earl of *Stanhope, That he had rather have him for his Minister, than be Master of the Kingdom of England.* When the Circumstances of Affairs at Home, too fresh in every Man's Memory to be repeated! induced His Majesty to place him at the head of the Treasury, tho' he served in that Capacity for some time, yet he left a small Patrimony to his Family, scarce sufficient to support the Dignity of the Peerage But he has left his Son the Glory of knowing that he is descended from a Father, who never was accused of Bribery and Corruption by any Resolution of Parliament; and upon whose Memory the most inveterate of his Enemies, even those who with the greatest Malignity opposed His Majesty's Measures when he was in Power, have not been able to cast the least Reflection.[1]

While the Duke's profligacies disgusted many of his easy-going contemporaries, yet his gifts were so remarkable that his excesses were overlooked. The party he supported was only too glad to have him for rather than against it, since his sound reasoning was always appreciated even by, or, perhaps it should be said, especially by, the other side. His occasional outbursts of humour, too, made it difficult for anyone to be very angry with him for long at a time. Who could help laughing when a certain Bishop in the House of Lords rose to speak and remarked he should divide what he had to say into twelve parts, and the Duke, interrupting, begged he might be permitted to tell a story that could only be introduced at that moment. "A drunken fellow was passing by St Paul's at night, and heard the clock slowly chiming twelve," he said. "He counted the strokes, and when it was finished, looking towards the

[1] *The True Briton*, February 17, 1724.

clock, said, 'Damn you, why couldn't you give us a that at once?'" There was an end of the Bishop speech!

Here, perhaps, may be given the lines written by th Duke, in which he made play of the words used divisions in the House of Commons, Ay and No:—

THE TRIPLE ALLIANCE

In fable all things hold discourse,
Then words (no doubt) must talk of course,
Once on a time, near Channel-row,
Two hostile adverbs, AY and NO,
Were hast'ning to the field of fight,
Where front to front stood opposite;
Before each general joined the van,
AY (the more courteous knight) began:
Stop; peevish particle! beware,
I'm told you are not such a bear,
But sometimes yield when offer'd fair
Suffer you folks a while to prattle,
'Tis we that must decide the battle;
Whene'er we war on yonder stage,
With various fate and equal rage,
The nation trembles at each blow
That NO gives AY, and AY gives NO;
But, in th' expensive long contention,
We gain nor office, grant, or pension;
Why, then, should kinsfolk quarrel thus,
(For two of you make one of us)
To some wise statesman let us go,
Where each his proper use may know,
He may admit two such commanders,
And let those wait who serv'd in Flanders:
Let's quarter on a great man's tongue,
A Tr[easu]ry Lord, not master V[oun]g,
Obsequious at his high command,
AY shall march forth to tax the land;
Impeachments, NO can best resist,
And AY support the c[ivi]l l[is]t;

AY, quick as Cæsar, win the day,
And NO, like Fabius, by delay,
Sometimes in mutual sly disguise,
Let AYES seem NOES, and NOES seem AYES;
AYES be in courts, denials meant,
And NOES in b[isho]ps, give consent.
Thus AY propos'd, and, for reply,
NO, for the first time answer'd AY;
They parted with a thousand kisses,
And fight, e'er since, for pay, like Swisses.

An examination of the Journals of the House of Lords shows that the Duke was a very regular attendant, and frequently took part in the deliberations of that assembly. It is not proposed, however, to allude to all his speeches in Parliament, but there are two occasions on which he addressed the peers that call for special mention.

The King, on April 20, 1721, published a Proclamation against blasphemous and scandalous clubs, in which he announced that he was determined to show all marks of displeasure to any persons that lay even under suspicion of such practices. A few days later, Lord Willoughby de Broke, Dean of Windsor, introduced into the House of Lords a Bill for suppressing blasphemy and profaneness, which, however, contained such clauses as, amongst others, the following, that, having no relation to such practices, were designed apparently to secure adhesion to the Thirty-Nine Articles, and to restrain the liberty granted to the Nonconformists by the Toleration Act — "The justices at the quarter-sessions are authorised . . . to summon any dissenting preacher, and upon his refusal to subscribe the declaration of faith, he shall be deprived of the benefit of the Act of Toleration"; "If anyone speaks or writes against the being of God, the divinity of Jesus Christ, or the Holy Ghost, or the doctrine of the Trinity, as set forth in the Thirty-Nine Articles, or the truth of the Christian religion, or the divine inspiration

of the Scriptures, he shall, upon conviction, be imprison many months, unless he shall, within such a time, public renounce his error, in a form prescribed." On the secor reading, on May 2, a heated debate ensued, as was on to be expected in connection with a Bill that at one fe swoop would remove all liberty of conscience Lor Peterborough said that he was for a parliamentary kin but did not desire to have a parliamentary god or parliamentary religion, and that if the House were fc such a one, he would go to Rome and endeavour to b chosen a cardinal, for he had rather sit in the Conclav than upon those terms with their Lordships. Anothe peer who remarked that he verily believed the presen calamity occasioned by the South-Sea project was a judg ment of God on the blasphemy and profaneness of whicl the nation was guilty, was effectively silenced by Lor Onslow, who retorted that the last speaker "must ther have been a great sinner, for I hear he has lost consider ably by the South-Sea Company." Presently the Duke of Wharton rose, and the House was agog with curiosity as to what he would say, for it was an open secret that the proclamation had been mainly directed against the Hell-Fire Club, of which he was President. This the Duke did not pretend to ignore, and he said frankly that he was not insensible of the common talk and opinion of the town concerning himself, and was therefore glad of the opportunity to justify himself by declaring that he was far from being a patron of blasphemy or an enemy to religion. On the other hand, he continued, he could not be for this Bill because he conceived it to be repugnant to the Holy Scriptures. His attitude he defended by reading from a Bible he had brought with him several passages of the Epistles of St Peter and St Paul. It has generally been suggested that this action of the Duke was yet a further blasphemy, and that he only quoted from Holy Writ to bring it into contempt. It is not often

possible to defend the subject of this memoir, but on those rare occasions when it is possible the opportunity must not be lost. The Duke was quoting the Scriptures, not in defence of blasphemy, but to support his arguments against the restrictions of religious liberty; and if it was an audacious, it was certainly a happy, thought to confute the contentions of the Bench of Bishops with passages from the Inspired Work upon which their faith was based. In the end, by 60 to 31 votes, the further consideration of the Bill was "put off to a long day." [1]

To follow the tergiversations of the Duke of Wharton in politics is not easy. When he was first abroad he spoke against the Jacobite, then he embraced the Pretender's cause, apparently whole-heartedly; when he was in Ireland he was at first for the Hanoverian dynasty and the Whigs, and later against the Government: now he made yet another, but by no means the last, change in his attitude. "Lord Wharton has left the Tories, and returned to those from whom he came, and kissed the King's hand yesterday. The Viscount now votes in every question with the Court," [2] Dr William Stratford wrote to Lord Harley, December 6, 1721; and eight days later he returned to the subject in another letter to the same correspondent. "Lord Wharton's return to the Court is no news to you. There is much talk of terms which he made, but I am assured he sent the ministry *carte blanche*. When he first appeared after his reconciliation in the House of Lords, he told every one that he designed to make the Bishop of Rochester his confessor, and he did not doubt of satisfying the Bishop that what he had done was reasonable;

[1] *Parliamentary History*, VII 894-6

[2] *Portland MSS.*, VII 309. "Viscount" is clearly a slip for "Duke" Why Dr Stratford should have referred to the Duke as Lord Wharton is only to be explained by the supposition that he had, of course, used this mode of expression before the Marquis was made a Duke.

and he went that very morning to the Bishop Rochester." [1]

The Duke was at this time apparently on frie terms with Francis Atterbury, Bishop of Rochester the following letter, hitherto unpublished, shows ·—

The Duke of Wharton to the Bishop of Rochester

[*After November* 1, 1721

I hope this will find you free from the Gout whi take to be the greatest hapyness can be wish'd to body who is ever afflicted with that severe Distempe

I have now finish'd my Northern Travells and h soon to have the honour of kissing Y^r^. Lord^ps^. hand London. The whole world has been for some tim suspence waiting for the Event of unforeseen Friends which broke out the last sessions. Among the res my Fellow Subjects I was in hopes that we should h had other marks of the Ministers good intentions t making the Bishop of Bangor, Bishop of Herefo Perhaps even that step may be the beginning of a scheme but give me leave to say it is an odd one

I assure you since I last saw you I have had the hon of drinking your health with a great many honest Tc among whom I am sure there is no one more desirous be look'd on as your faithful friend than, My Lord,

Y^r^. Lord^ps^. most obedient Humble servant [2]

WHARTON

When the acquaintance between the Bishop and Duke began is not known, but it may, perhaps, h dated from the time when he returned from the contine a fervent Jacobite. Atterbury, it is scarcely necess to say, was a stalwart adherent of the Pretender. had been in sympathy with the rising of '15, and shor after had entered into direct communication with Earl of Mar and other leaders. In 1722 he was in fav

[1] [redacted] *MSS.*, vii. 320.

[2] *Sloane MSS*, 242 f 209.



FRANCIS ATTERBURY

From an engraving by Robert Grave, after a portrait by Kneller, in the possession of A M Broadley, Esq



of another rising in Great Britain, which, however, did not take place. His correspondence was intercepted—owing, it is said, to the connivance of Lord Mar—and on September 22, 1722, he was, on the authority of a warrant issued by the Privy Council, arrested on a charge of high treason and imprisoned in the Tower. A Bill of Pains and Penalties against him was brought into the House of Commons, but the Bishop reserved his defence until it came up to the House of Lords. During the debate on the second reading of this Bill, on May 15, 1723, Wharton made his great speech in favour of the Bishop, and in connection with this a curious story has been handed down. It is said that the Duke, then in opposition to the Court, went to see Sir Robert Walpole at Chelsea the day before the debate, told him that he was determined to regain the royal favour by speaking against the Bishop, and asked for some advice as to the course his speech should take. The Minister, not doubting his visitor's sincerity, went carefully over the whole case against the Bishop, discussing the strong points and the weak. The Duke expressed his gratitude, returned to town, spent the night drinking with his boon companions, and, without going to bed, went to the House of Lords, where he spoke against the Bill, taking full advantage of all that had been told him.[1]

Whether the anecdote is true or not—and it must be confessed it was quite in keeping with the Duke's character—the speech places him among the great English orators On other occasions he had been witty, eloquent, strong in attack; but in this instance he did not make brilliance his objective. With a wonderful grasp of detail and a stern logic, he summed up the evidence against Atterbury, and disposed of it, in a quiet, forcible, closely-reasoned manner that suggests the great lawyer rather than the distinguished orator. So skil-

[1] Horace Walpole. *Royal and Noble Authors*, IV. 123.

fully did he execute his task, that the perusal of this address does not convey the idea of special pleading, which, indeed, it was, so much as the summing up of an impartial judge. It is by virtue of this speech that the Duke takes a position among the great men of his day. His verses are not seriously to be considered, his political writings have, perhaps not quite deservedly, passed into oblivion, his wit was almost entirely colloquial; but this famous oration, two hundred years after it was delivered, stands to the credit of his genius, an enduring monument. "I have now given your Lordships the reasons why I am against the Bill," so ran his last words. "I fear I have tired your patience, and shall therefore conclude with the words of the great man I before mentioned; I mean, Sir Heneage Finch, in the case of the Earl of Clarendon,—'We have an accusation upon hearsay, and if it is not made good, the blackest scandal Hell can invent, lies at our doors'" The Duke's speech, while it impressed its hearers, did not affect the decision of the House, for the result was inevitable. The Bishop's complicity with the Jacobites was clearly proved; and by 83 to 43 votes the Bill passed the Peers and received the Royal Assent By its provisions Atterbury was deprived of his ecclesiastical offices, declared incapable of holding any civil office, and banished from the country.[1] Atterbury left England in the middle of

[1] Mr J R. Robinson, in his biography of the Duke of Wharton, falls into a strange error On p. 78 he says, "That all Wharton's art or advocacy did not lie in his tongue, his letter written a few days later to Atterbury in the Tower proves This composition bears testimony to his Grace's skill in prose"; and in Appendix D of his interesting work (pp 294-6) he prints a letter headed, "The Duke of Wharton's letter to Francis, Lord Bishop of Rochester, in the Tower, May 23, 1723." This letter, however, was written, not by the Duke, but by Pope It is to be found, correctly ascribed, in *Atterbury's Correspondence* (ed. Nichols), ii. 79-89, and in *Pope's Letters* (ed. Croker & Elwin), ix. 54-6, dated April 20, 1723. Mr Robinson's blunder may, perhaps, be traced to the fact that the letter appeared in "Select and Authentic Pieces written by the Duke of Wharton," 1731

June, meeting at Calais Lord Bolingbroke, returning from exile. "Then," said the Bishop, with happy wit, "we are exchanged."

The Duke saw Atterbury embark, and presented him with an exquisite sword, with two mottoes inscribed upon the blade; on one side were the words, "Draw me not without reason"; on the other, "Put me not up without honour."[1] On his return to London the Duke indited the following verses:—

ON THE BANISHMENT OF CICERO[2]

As o'er the swelling Ocean's Tide
  An exile TULLY rode,
The Bulwark of the *Roman* State,
  In Act, in Thought, a God,
The sacred GENIUS of Majestick *Rome*
Descends, and *thus* laments *her* Patriot's Doom.

Farewel! renown'd in Arts, Farewel!
  Thus conquer'd by thy Foe,
Of Honours, and of Friends, depriv'd,
  In Exile must thou go:
Yet go content; thy Look, thy Will sedate,
Thy Soul Superior to the Shocks of Fate.

Thy Wisdom was thy only Guilt,
  Thy Virtue thy Offence,
With Godlike Zeal thou didst espouse
  Thy Country's just Defence:
Nor sordid Hopes could charm thy steady Soul,
Nor fears, nor Guilty Numbers could controul.

What tho' the Noblest Patriots stood
  Firm to thy sacred Cause,

[1] *Reliquiæ Hearnianæ* (ed. 1869), ii. 164.

[2] First printed when Atterbury, Bishop of Rochester, was banished in 1724.

What tho' Thou could'st display the Force
  Of Rhet'ric and of Laws,
No Eloquence, no Reason could repel
Th' united Strength of CLODIUS and of Hell.

Thy Mighty Ruin to effect
  What Plots have been devis'd!
What Arts! what Perjuries been us'd!
  What Laws and Rites despis'd!
How many Fools and Knaves by Bribes allur'd,
And Witnesses by Hopes and Threats secur'd!

And yet they act their dark Deceit,
  Veil'd with a nice Disguise,
And form a specious Shew of Right,
  From Treachery and Lies;
With Arbitrary Power the People awe,
And coin unjust Oppression into Law.

Let CLODIUS now in grandeur reign,
  Let Him exert His pow'r,
A short-liv'd Monster in the Land,
  The Monarch of an Hour;
Let Pageant Fools adore their Wooden God,
And act against their Senses at his Nod.

Pierc'd by an untimely Hand,
  To Earth shall He descend,
Tho' now with gaudy Honours cloath'd,
  Inglorious in his End.
Blest be the Man who does his Pow'r defy,
And dares or truly Speak, or bravely Die.'[1]

Though it is difficult to say when the Duke of Wharton was sincere, it certainly seems that in this case he really did believe in the case he advocated so ably Again and

[1] This Ode was at the time attributed by many to Atterbury himself, and on that supposition some satirical verses were addressed to him in the *Political State of England*, XXVI. 494. It was printed by Wharton in No. xliii. of *The True Briton*.

gain he referred to the trial in *The True Briton*, and
n his "memorial" on behalf of the Pretender which he
resented to the court at Vienna in 1725, he gave this
ffair as one of the reasons why he reverted to the
acobite cause.

CHAPTER IX

THE TRUE BRITON

(1723-1725)

The Duke's great abilities—His time not entirely given to dissipation—His knowledge of public affairs—He is interested in politics outside the House of Lords—His intervention in the election of the Sheriffs of London, 1723—He puts up Edward Young for Cirencester—He supports the Tory candidates for Westmoreland—He conceives the idea of *The True Briton*—His commonsense—Passages from *The True Briton*—On the liberty of the press and on political writers—His object in issuing *The True Briton*—On himself as author of a public print—The publication of the paper ceases on the printer being tried for libel—The authorship of *The True Briton* not disclosed—The Duke loyal to the King and the dynasty—He justifies the Revolution of 1688—And rejoices in the defeat of the rising of '15—Apparently a most loyal subject—A strange incident—In communication with the Pretender—His financial affairs—Notoriety essential to his happiness—His letter to the Pretender—A regular attendant at the House of Lords—He speaks at the trial of Lord Macclesfield—"An Epistle from John Sheppard to the Earl of Macclesfield."

THE Duke's speech in defence of Atterbury is, said Jesse, a better argument than any other we can produce of his great abilities in his legislative capacity as well as of his general knowledge in public business.[1] Jesse might have gone yet further, and added that it was also an argument to favour the contention that the young man had not given his days and nights to debauchery in the full measure that is generally supposed, since an intimate acquaintance with public business is not even by the most gifted

[1] *The Court of England from 1688 to the death of George II.*, ii 237.

to be acquired in brothels and drinking-dens. But, indeed, it is scarcely necessary to adduce such evidence as can be obtained by deduction, since there is direct proof of his participation in political affairs, not only at Westminster, but also outside Parliament. "The Duke of Wharton," so runs a passage in the anonymous Memoir of 1732, "did not confine this Spirit of Opposition to the House of Lords, but exerted it both in City and Country, promoting in all kind of Elections, Persons who were suppos'd to be no Favourites at the Court, he push'd himself into the Metropolis; invested himself with the Rights and Privileges of a Citizen, and was received a Member of the Wax Chandlers Company, in virtue of which he appear'd at all Meetings, charm'd all Societies, and voted in his own Right upon all Occasions." He was prominent in connection with the election of the Sheriffs of London in 1723, when he championed the wealthy Turkey-merchants, Sir John Williams and Mr Lockwood, against all comers. Indeed, in the *True Briton* for July 1, he asked (as from a correspondent to the paper) the following question.—"Whether a certain Duke's Appearing at the *Feathers* in *Cheapside*, and Dining there with some of his Friends, can be construed to Influence the City against the Freedom of Elections, or to encourage them to preserve it?"

The Duke was interested not only in civic affairs. He took an active part in endeavouring to promote the fortunes of his party by taking such a share in elections as a peer could It has already been stated that in 1721 he induced Edward Young to stand for Cirencester by offering to bear the expenses of the election; and in the same year he heartily supported the Tory candidature for Westmoreland, in which county his influence was considerable.

Richard Baynes to Colonel James Graham

APPLEBY, *September* 15, 1721.

At an entertainment which the Duke of Wharton made to all the burghers of this place on Tuesday last, he heartily recommended you and Mr Anthony Lowther to be representatives for this county at the next election, and this was recorded by Sir Christopher Musgrave [1]

After his retirement to Twickenham he conceived the idea of a paper to be published twice a week, after the manner of the *Spectator* and the *Tatler*, but treating of political matters rather than of social subjects.

The Preface to the "True Briton"

February 6, 1723.

THE Reason which induces me to publish the following Papers at this Juncture, is, that Posterity, as well as the present Age, may be able to judge whether they were wrote with an Intent to serve or prejudice this Country.

No Person can prevent the Misrepresentations of Mankind; and we have frequently seen, that the greatest Heroes and most able Ministers that ever adorned a Kingdom, could not escape the Virulency of Scandal. It is, therefore, no Wonder, that the Malice of the World should *decypher* a Desire of doing Good, into a petulant Humour of doing Mischief, and, according to their usual Language, proclaim an uncorrupt and unbiass'd Behaviour to be the Effect of Passion and Disappointments Such Men judge of others by their own Maxims, and because they have not themselves the Courage and Resolution of following the Dictates of Honour and Conscience, esteem it impossible to find that great, moral and particular Vertue in other Men.

All these terrible Effects of our intestine Divisions should animate every honest Mind to lay aside those Party Resentments, which, in Time, must end in the Ruin of this Island.

[1] *Bagot MSS.*, 344.

If we consider the Manner in which *Old Rome* lost her Liberties, it will shew every Patriot how incumbent a Duty it is upon him to allay those Heats and Animosities which at present reign amongst us.

The Civil Wars which at length overwhelmed the Liberties of that fam'd Republick, began by the Eagerness which Great Men shew'd for Power and Employments; several considerable Families, appearing divided, and spending vast Sums of Money in Elections, grew at length to be personally animated against each other; and when the most bitter Reflections, which they vented on all Occasions, had made a Reconciliation between them impracticable, they mutually endeavoured by Force and Violence to support their Pretensions, which occasion'd the Civil Wars

The Train of Cruelties which continued so many Years amongst them, and consumed the greatest and most daring Spirits of the Common-Wealth, at length so wearied the People of *Rome*, that they tamely submitted to the Tyranny of one Man —The Spirit of serving their Country was then exchanged for the Baseness of flattering their Tyrant, and then arose that idle and effeminate Disposition of Mind, which at present prevails in *Italy*.

Tacitus, in his first Book of Annals, gives us so lively a Description of the Expiration of the Roman Liberty, that I shall refer my Readers to him, and trouble 'em no more on this Subject

I only mention'd this, to shew, that the first beginning of the Calamities of *Rome* was, the Bribery that was introduced by ambitious Men, and practised in all the Elections of Magistrates, and therefore I am sure my Fellow-Countrymen will be very careful how they suffer so dangerous a Practice to take the least Root in our Government,—for certainly, Men, who have a Desire of serving their Country in Parliament, can have no View in being chose, but the performing that great and commendable Duty.

In the different Divisions that have distracted us for many Years, there have appeared Men of great Characters and distinguish'd Merit on both Sides; and for my Part, I think we ought to judge as charitably of our Con-

temporaries as we do of our Ancestors; and believe that there are many Men now living, who have sincerely at Heart the true Interest of these Kingdoms.

I shall always make it my particular Business to direct all my Views to this great End, and if by that Means I can enjoy the Satisfaction of knowing, that, in my little Sphere, I have used my best Endeavours, according to my Capacity, for the Advancement of the Publick Good, I esteem it far beyond accumulated Riches, and immense Treasures without it; and hope, that as long as I continue to tread those Paths with Spirit and Resolution, I shall not lose the Character of a TRUE BRITON.

This paper, the first number of which appeared on June 3, 1723, attracted much attention, and attained to a circulation of some thousands. One day some indefatigable compiler will cull from those pages a volume of extracts which may bear the title of "The Maxims and Moral Reflections of Philip, Duke of Wharton," and then it will be realised that the Duke had far more commonsense, humour, and irony, and a great deal more insight into public questions at home and abroad than he has hitherto been credited with possessing. Pending the publication of that little book, a brief selection of his "Wit and Wisdom" may here be offered.

The first essential ingredient to form a Patriot, is Impartiality.[1]

Ambition and Avarice are two vices which are directly opposite to the character of a True Briton [2]

In Public Affairs it is the duty of every man to be free from Personal Prejudices.[3]

All Men are bound to forward Justice in their Several Stations.[4]

Intrepidity and Firmness are Two Virtues which every true Briton must be master of, or else all the other Talents he is possess'd of, are useless and barren.[5]

[1] The *True Briton*, June 3, 1723. [2] *Ibid.* [3] *Ibid.*
[4] *Ibid*, June 17, 1723. [5] *Ibid*, June 3, 1723

Persecution is one of the Principal Methods which Princes pursue, who find they must support themselves by Force, and want the Affections of their Subjects.[1]

The two great Essentials requisite for the well-ordering of Society, are, To be allowed the full Extent of our *Liberties*, and, To be protected in our respective *Properties*.[2]

Kingdoms and States have been always influenc'd by the Examples of their Governors; and according to the Genius of the Prince, the Manners of the People, and the Views of the Great Men have been laudable or otherwise.[3]

A Man who is thoroughly possess'd of Publick Spirit, and is directed by it in all his Actions, need not fear to be honoured by all honest Men while he is in this World, and when he is taken out of it, to be ranked in the illustrious List of those who have faithfully and zealously served their Country.[4]

Whenever a wicked Minister finds he has brought upon himself the *Odium* of his Fellow-Subjects, in order to palliate his Offences and excuse his Conduct, he generally imputes to the *Variableness* and *Inconstancy* of the *People* the Opposition and Ill-will he meets with in the Prosecution of his unjust Designs So great is the Presumption and Partiality of such a Man to his Single Self, as to arraign and condemn the *Judgment* and *Senses* of *Millions* of People, who are Sufferers by his Administration, rather than to take to himself the deserved Blame of his own wicked Actions.[5]

A Statesman, as the name properly implies, is One who, by being perfectly acquainted with the Laws of Nature and Nations, knows how to act for the Interest and Security of his Country, knows how to protect her from the Designs and Incroachments of Foreign Powers, and how to keep the Ballance at Home betwixt private Property, and the Prerogative of the Crown . . But

[1] *Ibid*, August 16, 1723
[2] *Ibid*, Sept 30, 1723.
[3] *Ibid.*, Nov. 29, 1723
[4] *Ibid.*, Sept 6, 1723.
[5] *Ibid*, August 9, 1723

a Statesman, too, in the Reverse of his Character, is to be consider'd as a Great Minister, in whom there may be no Necessity to suppose the same political Knowledge or active Honesty He may be one that having, perhaps, the Administration of the Treasury, or Revenues of Kingdom in his Hands, and having withal a corrupt Soul, may have Interests distinct from those of the Publick. The Nature and Convenience of his Employments may make him a Property to the Measures of the Court and its Party, and then, of Consequence, the Province and Address of carrying Matters in a Senate, will sway much more with him, than any consideration of the General Welfare.[1]

[1] The Duke was a stalwart supporter of liberty of speech in Parliament, which, he declared, "is the Greatest Jewel that adorns our Government"; and, naturally enough, he, in the columns of his paper, pronounced the Freedom of the Press to be "another Bulwark of our Liberty," though he did not hesitate to avow that, "A Person who writes on Political Subjects ought to be free from *Partiality*, and every other Vice which may sway his Sentiments, or induce him to represent Matters in False Lights." The object of his sheet, he said, was "To lay Truth open"; and he advocated that all those who had something to say, should, if they could not otherwise voice their opinions, circulate them in print. "It is incumbent on every Person who lives in a Common-Wealth, to promote the Welfare of it, as much as his Situation of Life will permit him," he wrote. "And, therefore, those who act in a Little Sphere, ought to exert their Zeal with as much Sincerity, as those of Greater Figure or Power. Such as can have no other Opportunities of publishing their Thoughts, but by communicating of them to the World in Print, wou'd be wanting in their Duty, shou'd they neglect taking that Method of

[1] The *True Briton*, Oct 11, 1723

informing their Fellow-Subjects of Matters, which perhaps, otherwise, might escape their Knowledge, tho' necessary for them to be acquainted with." To the best of his belief, he obeyed so carefully the instructions he gave to others as to the conduct of a public print that after the *True Briton* had been issued for nearly a year, he was able to express the utmost satisfaction with himself:—

While I am examining the several Errors in the Conduct of other Men, it would be a great Absurdity and Weakness to be so busy in those Enquiries as never to be at Leisure enough to recollect, with proper Care and Caution, how I *ought* to behave, and how I *have* behaved myself in the Quality of a Political Writer. Upon a very serious Review, and after having made a grave, cool and deliberate Search into my several Papers, I must declare it as a very sober Truth, That the Watch I have always had over my Pen, has not been so much in vain, as some Persons have been pleased to think, notwithstanding the Gravity of their solemn Heads, and the Judgment that appears in their Countenances, when they shake their reverend Noddles, and affirm the Contrary, with an *Inuendoing* Severity, that would be enough to over-awe a County-Gentleman of less Courage and Sagacity than myself, and drive a Person, that did not love the *Honest English Freedom of Speech* so well, as I must confess I do, into down-right Silence and Confusion.[1]

The *True Briton* continued to appear regularly twice a week until February 7, 1724. The issue for February 10 was not published until February 14, and to this the following postscript was given:—

This is to inform the Publick, That the Author of the *TRUE BRITON* being determined to lay down this Work, CONCLUSIVE PAPER to the same, will be publish'd on *Monday* next; which, among other Things, will contain

[1] *Ibid*, January 13, 1724.

some Remarks on *High-Treason* in General, both against the *King* and against the *People*.

The seventy-fourth and last number of the *True Briton* appeared on February 17. No reason was given for the discontinuance of the paper, which, it is said, had a circulation of several thousands It ceased to appear, indeed, not because it failed, but owing to its success; the proof of which is to be found in the fact that the Government, which would have ignored an obscure sheet, instituted a prosecution against the printer and publisher. One Payne was put on his trial in the Court of King's Bench for printing and publishing the paper, on four several Informations, which the Court observed were much more scandalous than common libels, because they not only insulted every branch of the Legislature, but manifestly tended to make the Constitution itself odious to the people. The jury, without going out of Court, found Payne guilty on each of the Informations, and he was, on May 18, sentenced to pay a fine of £400, viz, £100 on each Information, to suffer one year's imprisonment, and to find sureties for his good behaviour during life[1] As no proceedings were taken against the Duke of Wharton, the assumption is that the secret of his connection with the *True Briton* was loyally kept by Payne and others concerned with the publication, or that the Government was content to stop the issue of the paper without proceeding against His Grace

To-day a careful perusal of the *True Briton* does not suggest any good reason for a prosecution of the sheet. There are, it is true, attacks on public men and public measures, and continual defences of Atterbury, with reflections on the way in which his trial was conducted, but the Duke in these pages never attacked the Crown or the Dynasty. Indeed, his references to the reigning

[1] *Political State of Great Britain*, xxvii. 205, 533

monarch erred only on the side of ultra-loyalty, as many passages could be adduced to prove.

We enjoy, under the present Happy Establishment, all the Comforts of a Mild, Just, and Wise Reign; and whilst it shall please God to permit His Majesty or His Royal Highness the prince of Wales to sway the Sceptre, every Briton must think himself secure of his Religion, Liberty, and Property.[1]

Ministers ought to be Men of great Temper and Moderation; for the least Passion with which they may be endowed, is of Consequence to the whole Kingdom, and may even give a Turn to the Affairs of *Europe*. Therefore we ought to esteem it our Blessing to see His Majesty's Cabinet filled with Men who *equally* avoid Violence and pursue Justice.[1]

In these and similar sentiments the most clear-sighted, the most malevolent, judges could detect no trace of Jacobitism, no advocacy of another revolution by which George should be displaced in favour of James. Indeed it would be easy to show that, on paper at least, the author was a stalwart Hanoverian

A Kingdom can never be happy where the Interest of the King is opposite to the Good of the People, and when a Prince is obliged to overturn the Bulwarks of Liberty in order to maintain Himself on the Throne. This is now the Unfortunate Situation of most States in Europe, where the destructive Doctrine is received, That a Man's Duty to his country is to be measured by his Allegiance to his Master, when it may be inconsistent and opposite.[1]

What is the above paragraph but a justification of the Revolution of 1688? But, indeed, the Duke was not satisfied with declaring that the dethronement of the

[1] The *True Briton*, July 5, 1723 [2] *Ibid*
[3] The *True Briton*, July 15, 1723.

Stuarts was right. he went on to express gratitude fo the defeat of the rising of '15.

The Escape which this Kingdom has lately had fro the Unnatural Conspiracy has, I hope, sufficiently secure our Happiness, and the Harmony which appear'd throug all Parts of the Kingdom for the Support of our preser Government, at that Important Juncture, gives ou Enemies no Room to expect better Success in any futur Attempts.[1]

It would be a work of supererogation to multipl instances where the Duke expressed his loyalty to the Kin in possession and his want of confidence in "the Kin over the Water."

Is there any reason to doubt that the Duke was sincer when he wrote in this strain? On the face of it there i none. He was not a penniless pamphleteer writing, a any cost to his principles, for a wage. He was writin anonymously and need not have belied his sentiments It is true, of course, that advocacy of the restoratio of the Stuart dynasty would very speedily have brough about a Government prosecution; but then, as the Duk had no desire to avow the authorship in any case an stand forth as a martyr, why should he write at all i opposition to the feelings he entertained? This reasonin appears strictly logical; but strict logic as applied to th character of the Duke of Wharton leads to the mos hopeless confusion. There seems every reason to believ that he was free from any belief in the expediency of bring ing back the Pretender; there is no reason whatever t think that at this time he had any leanings to Jacobitism which he had deliberately abandoned shortly after his return to England in 1717; and having of these things adduced what appears convincing proof, we are confronte with an incident that entirely upsets all our conclusions.

[1] The *True Briton*, July 15, 1723

Viscount Lonsdale to (his cousin) James Lowther

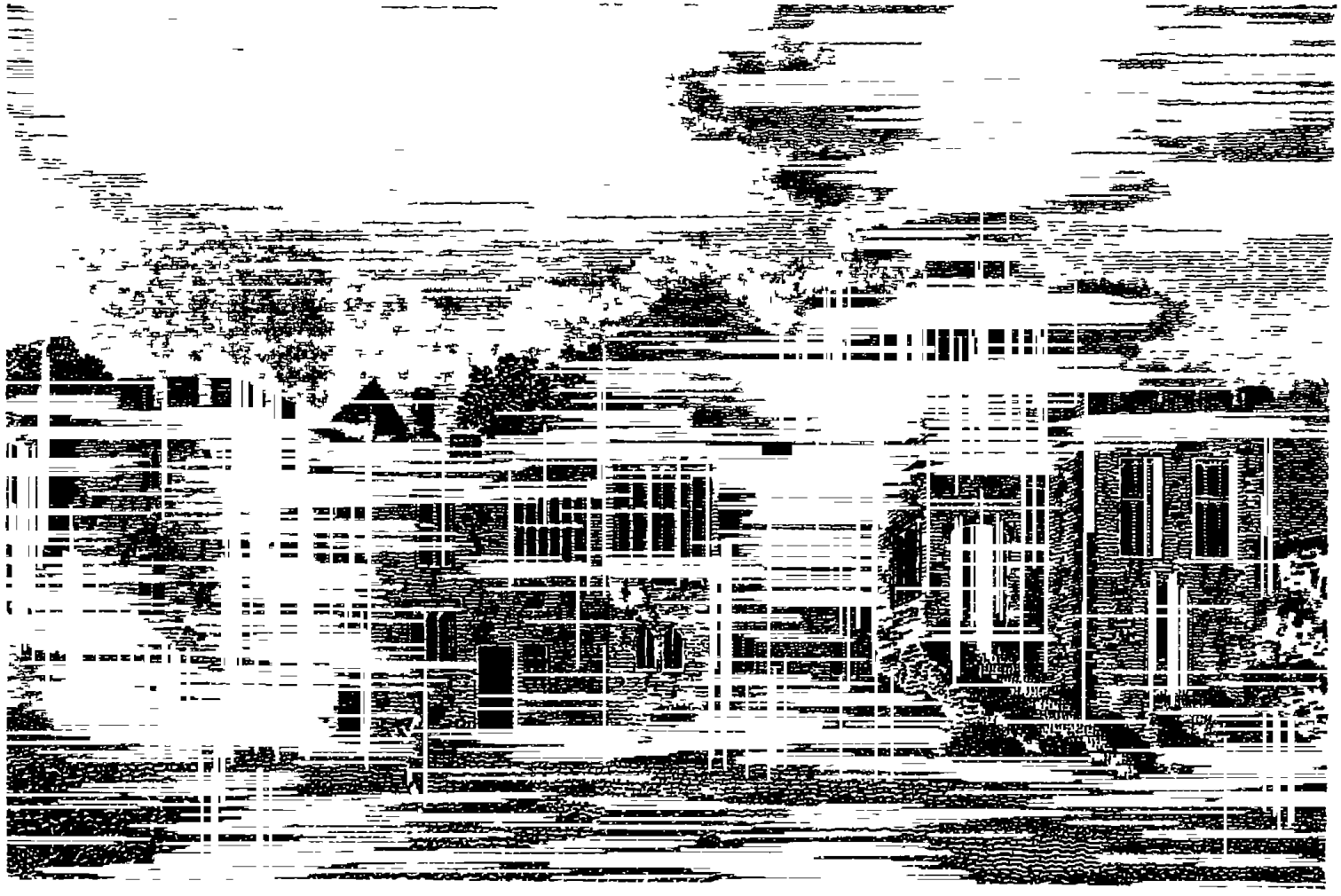
LOWTHER, *September* 26, 1723.

There is a story has been very currently reported in this country, which if it be true, you may very likely be better informed of at London, since in all probability it must have come to the knowledge of the Government, but as the matter was transacted a good distance from hence, and my intelligence of it is not very certain, I can only let you know how it is told here The Duke of Wharton went about ten days ago to his estate in Swaledale near Richmond, and Sir C. Musgrave alone with him; when they were there the Duke took an occasion of treating about threescore of the country people, and after they had drank a good deal, the Duke and Sir C Musgrave pulled off their coats and waistcoats, fell down upon their knees, and drank the Pretender's health by the name of James the 3rd of England and 8th of Scotland, and obliged all the people who were with them to do the same. The noise of this was quickly spread, and the wives and daughters of the people who were in company came immediately crying to fetch their husbands away. Some of the company being frightened themselves went to make information of this to a Justice of Peace, but the Justice in all probability not caring to meddle with so great a man, told the people who came to him, that if they would bring the offenders before him, he would do as the law directed, but he would grant no warrant. Whether any part of this story be true or not, I can't pretend to say, but as I am told it was brought into this country by several people of that neighbourhood, and many of them were such as said they were present themselves If this be really as it is represented, I don't see how the Government can avoid taking notice of it, for as it was done so openly and before such numbers of people it will be generally known, and everybody who has ever lived in the country and are friends of the Government must certainly know the very bad consequences that will attend the not punishing so flagrant an action as this.[1]

[1] *Lowther MSS*, 123

After reading this letter, it comes less as a surprise t find that in February 1725 the Duke was in active corr spondence with the Pretender When they began t exchange letters is not known, nor has it yet been reveale what brought them together. It has been said that th Duke desired to be appointed Lord-Lieutenant of Wes moreland, and that this was refused him by the Gover ment, whereupon he at once became a rabid, albeit secret, Jacobite. There were other reasons, which ma have urged him to this course. His financial affairs wer again in a sad way. Though in 1722 he had set aside a his income except £2000 a year for his creditors, there little doubt that his expenses were very considerabl in excess of this amount, so that while some of his debt were being paid, he was incurring fresh ones. The sa of his Rathfarnham lands in July 1723 for £62,000 t William Conolly, Speaker of the Irish House of Common did something to relieve him of the pressure of h creditors, and his liabilities were three years later furthe reduced when for a substantial sum he parted with th Winchendon estates to the trustees of the Duke of Mar borough, and with the famous collection of picture brought together by his father, to Sir Robert Walpole As, however, the Duke in 1725 computed his liabilitie at not less than £70,000, it is not surprising that th creditors were not satisfied. Indeed, they were so dis contented that they applied to the High Court of Chancery which, upon their representations, appointed a receiver c the rents of the Duke's estates, allowing him, until hi debts were liquidated, an income of £1200 This sum however, was exclusive of the £500 a year settled upo his wife. It may well have been the inconvenience cause by this further limitation of his income that made th

[1] These pictures, with others at Houghton, were sold by the thir Earl of Orford in 1779 to the Empress Catherine of Russia, and wer hung in the Hermitage at St Petersburg



WHARTON HALL
From an old print

Duke think of going abroad. Yet there was the drawback to this course that it was clear to him that as an exile he would be a person of very little consequence, and such a state of things was to him horrible. Young might sing—

> "Fondness for fame is avarice of air," [1]

but, as the poet realised, notoriety was to the Duke as the breath of his nostrils :—

> "Lorenzo's sick, but when Lorenzo's seen ;
> And, when he shrugs at public business, lies.
> Denied the public eye, the public's voice,
> As if he lived on other's breath, he dies.
> Fain would he make the world his pedestal ;
> Mankind the gazers, the sole figure he." [2]

To go forth into obscurity was death to him, and so when he realised that go forth he must, he cast round for some means by which he should still be a person of some distinction. The only way in which he could be of importance abroad, since it was certain that the Government would not give him an embassy, was as one occupying a high position in the counsels of the Pretender. The Duke had been a vigorous opponent of the Government, but there was a great gulf fixed between being against the Government and being for the Pretender. Still, he had no scruples that would interfere to prevent him from again deserting a cause to the support of which he had vowed allegiance ; and there was little doubt that the Pretender would forgive his earlier tergiversation, and welcome with open arms one who had so splendidly defended Atterbury Through whom the negotiations were carried on has not been revealed, but the circumstances point to Atterbury, now established at Paris

[1] *Night Thoughts V , The Relapse*, line 2
[2] *Ibid., Virtue's Apology*, lines 488-493

as the general adviser of the Pretender Nor can it b ascertained when the correspondence was renewe between the Duke and "the King over the Water," bu it is clear that the earliest known letter, printed below was not the first that passed.

The Duke of Wharton to the Pretender

LONDON, *February* 3, 1725.

. . . There is a strong report of Lord Bolingbroke's Bill,[1] being at last fixed, and I had the other day a very long conference on that subject with Lord Bathurst, who when I represented to him Lord Bolingbroke's behaviour to your Majesty, and quoted your own authority for the assertion, answered, that he had not learned *jurare in verba magistri*, to which I only replied, *Juravi*. We esteem Lord Bathurst entirely departed from your cause though he will not yet leave us in Parliamentary disputes. I hope his friend Sir William Wyndham will not follow him in his politics as he does in his pleasures.[2]

The Duke of Wharton to the Pretender

[LONDON,] *May* 1, 1725.

. . . The rage which inflames both parties in the city, who seem entirely sensible of this fatal law [the City Bill], increases every day, and will blaze more and more as they feel the great distractions which must attend the execution of it. The Ministers were alarmed for fear the Common Council of London should have gone (as we had determined they should) to the Duke of Hanover for protection. The enemy, having notice of this design, brought him down to give the Royal Assent on the Tuesday; and the House of Lords' Amendments did not pass the House of Commons till the Monday. This precipitation made it impossible for us to execute our scheme; but,

[1] A Bill to enable Lord Bolingbroke to inherit and acquire real property, while still leaving him excluded from the House of Lords.

[2] Mahon: *History of England*, II., xxii.

however, it shows the world upon how precarious a bottom they stand who are thus frighted at the least shadow. All due care shall be taken to work upon the different passions of those who seem at present to be thoroughly disaffected, and to keep up at the same time the spirit of our old friends. In order to it I shall print my observations on the City Bill, which I hope will contribute to increase their animosities

The point of Lord Bolingbroke's Bill, which is now depending in the House of Commons, has plainly discovered the sentiments of some persons who before that were labouring to conceal their real inclinations. I should not much regard the zeal which Lord Bathurst and Sir William Wyndham expressed for that Lord's service, when their only pretence was the private friendship that had formerly subsisted between them But when in a public meeting of some chosen Tories at Lord Bathurst's house, relating to this affair, Lord Bolingbroke's behaviour to your Majesty and your interest was started as an objection to the showing of him the least favour, I think the case altered, and that whoever gives his vote for or against that Lord is to consider himself as a person who by his conduct on that occasion is to appear a dutiful subject and servant to so good a master, or an advocate for treachery and corruption. Sir Christopher Musgrave, Sir Thomas Sebright, and Sir Jermyn Davers, out of their utter detestation for your Majesty's enemies, bravely opposed the very bringing in of any Bill whatsoever; and though several Tories were for it, yet it was the misfortune of many of them not to understand the case, and to believe that what Lord Bathurst and Sir William Wyndham said could not be intended to prejudice the party. Mr Shippen, Strangways, and others were absent, which I believe was owing to an unguarded promise they had made not to oppose it In the House of Lords our number is so small, that any behaviour there will be immaterial; and though I believe some of your Majesty's most dutiful subjects will not attend, yet I am sure they will not blame me if I bear my testimony against him, as having had an opportunity when I was in France, some years ago, of knowing personally the several par-

ticulars of his scandalous behaviour. I would not hav your Majesty imagine any thing from this that my warmtl should ever carry me to divide from the main body o the Jacobites, for I would at any time curb my passio or restrain the strongest inclinations to unite or reconcil them.

The next point of consequence now before the Parlia ment is the Bill disarming the Clans of Scotland, whicl is to be done with the utmost cruelty that the severes tyrant can invent We are to battle it on Monday nex in the House of Lords, and I shall act my part in it. We are afraid that this oppression should exasperate the Clans to oppose the execution of the law by force But all due care will be taken to induce them to delay their resent- ments till a proper occasion shall offer. How happy should we be at this juncture to have some little assistance from a foreign Prince !—Lord Lechmere in all these cases votes and speaks with us He at present seems to have thrown away the scabbard, but I am afraid he is actuated by resentment and not principle, and if he were to be made Chancellor (which the Ministers will never permit) would be as violent a prosecutor of those with whom he at present acts as any Whig of them all.

I propose, as soon as I receive your Majesty's leave, to go abroad for some time [1]

The Duke of Wharton to the Pretender

MAY 29, 1725.

. . . Your Majesty may be assured that no step taken by the Ministers has done them more prejudice in the opinion of all mankind than the screening the Earl of Macclesfield; and all parties, especially the old Whigs, are enraged to the greatest degree. Your Majesty will likewise observe the behaviour of the Earl of Strafford on Lord Bolingbroke's Bill. I wish the conduct of another Lord upon that occasion could be mentioned without astonishment.[2]

[1] Mahon: *History of England*, II., xxv. [2] *Ibid*, II, xxiii

The Duke was still, however, a regular attendant at the sittings of Parliament, and took his share in the debates. On February 13, 1725, he sat on the Lords' Committee to inspect the Journals of that House in relation to their Lordships' proceedings on impeachment for high crimes and misdemeanours.[1] In May he made a speech when the Earl of Macclesfield was on his trial,—it was the last occasion on which he addressed the House—when, it is recorded, he spoke temperately and very well. Lord Macclesfield, who was impeached for corruption, was found guilty, and fined £30,000 A motion to prevent him from sitting in Parliament, or holding any future office, was not carried; but the King struck his name off the roll of Privy Councillors. The Duke found in this matter an opportunity to display his humour in the following set of verses —

AN EPISTLE

FROM JOHN SHEPPARD TO THE EARL OF MACCLESFIELD

When curiosity led you so far
As to send for me, my dear Lord, to the bar,
To shew what a couple of rascals we were;
Which nobody can deny,

You'll excuse me the freedom of writing to thee,
For the world then agreed they never did see
A pair so well match'd as your Lordship and me;
Which nobody can deny.

At the present disgrace, my Lord, never repine,
Since fame rings of nothing but thy tricks and mine,
And our names shall alike in history shine,
Which nobody can deny.

[1] *Journals of the House of Lords*, xxii 417.

Tho' we two have made such a noise upon earth,
Thy fate would now be but a subject of mirth,
Should your death be like mine, as we're equal in both,
Which nobody can deny.

Were thy virtues and mine to be weigh'd in a scale,
I fear, honest Thomas, that thine would prevail,
For you break thro' all laws, while I only break jail,
Which nobody can deny.

Yet something I hope, to my merit is due,
Since there ne'er was so barefac'd a blund'rer as you,
And yet I am the more dext'rous rogue of the two;
Which nobody can deny.

We, who thieve for our living, if taken, must die;
Those who plunder poor orphans, pray answer me why
They deserve not a rope more than Blewskin and I?
Which nobody can deny.

Tho' the masters are rascals, that you should swing for it
Is a damnable hardship: your Lordship, in short,
Hath been only the Jonathan Wild of the court;
Which nobody can deny.

Altho' at the helm you and Jonathan sit,
Whilst your myrmidons plunder, and what they can get
To save their own necks, must be laid at your feet,
Which nobody can deny.

Yet Jonathan's politics must be allow'd
To be better than thine, for he often has shew'd,
He'd still save himself, yet hang when he could;
Which nobody can deny.

But as thou and thy gang must come in for a rope,
The honour of being the first that's trust up,
Is the only favour your Lordship can hope;
Which nobody can deny.

CHAPTER X

THE MISSION TO VIENNA

(*July-December*, 1725)

The Duke announces his intention to go abroad—Confides to his Jacobite friends his intention to serve the Pretender—He receives his final instructions—Sails for Rotterdam—The enterprise entrusted to him—The mission to Vienna—He was desired to go to Atterbury at Paris for advice—Atterbury ignorant of the Duke's departure from England—Hearing of his arrival at Rotterdam, Atterbury writes to him—The Duke does not wait upon Atterbury—He explains his reasons to the Pretender—He goes to Vienna—Atterbury writes to him there—Atterbury's estimate of the Duke's character—Rumours that the Duke is drinking to excess—Correspondence between Atterbury, Hay, and the Duke—The Duke a favourite at the Court of Vienna—The Pretender's letters to the Duke—Recommends Sir John Græme to the Duke, and utters a word of warning to his Grace

THERE was no reason whatever why the Duke of Wharton should not go abroad for a while, and therefore he made no secret of his intention to travel on the Continent.

Lady Mary Wortley Montagu to the Countess of Mar

[? *June* 1725.]

Sophia [*i.e.* the Duke] is going to Aix la Chapelle, and from thence to Paris. I dare swear she'll endeavour to get acquainted with you. We are broke to an irremediable degree Various are the persecutions I have endured from him this winter, in all which I remain neuter, and shall certainly go to heaven from the passive meekness of my temper.[1]

[1] *Letters of Lady Mary Wortley Montagu* (ed. Thomas), i. 361

With a discretion unusual in him, the Duke had divulged only to a few trusty Jacobite friends his project of entering the service of the Pretender as soon as he arrived on the Continent. He lingered in England only until he received his last instructions from Rome, where James now held his Court, and, when these reached him, he sailed for Rotterdam, where he arrived on the second or third day in July.

The Duke of Wharton to the Pretender

ROTTERDAM, *July* 4, 1725.

. . . Before I left London I communicated to Lord Orrery, Lord Strafford, Dr Friend, Mr Cæsar, and Major Smith, the reasons I had to believe that I should be employed abroad in your business, and took their advice as to many particulars relating to the execution of my enterprise It is certain that, if possible, something should be attempted this summer during the Duke of Hanover's absence, and any foreign Prince who has the least inclination to serve your Majesty should upon this occasion lose no time. The Czarina might, if she would, send unto England and Scotland the fleet now ready to sail, and might surely do the work, for aught I know, without the least opposition; and all resistance would be trifling, let the Whigs make the most of it [1]

The Pretender had written to inform the Duke that he should undertake a journey to Vienna, there to endeavour to presuade the Emperor to support the cause of his new master; but it was James's wish that he should first go to Paris to discuss the details of his mission with Atterbury, who acted as the general adviser of the Pretender in all matters of foreign policy.[2] Atterbury, however, was apparently not in the Duke's confidence, for, at the time of the latter's arrival in Holland, he

[1] Mahon *History of England*, II, xxvi.
[2] *Stuart Papers* (ed Glover), I 219

was unaware that he had left England. "I have heard nothing of the Duke of Wharton," he wrote to the Pretender, July 2, "and being not ready to give the signal for any one's coming over here, have consequently seen nobody." The Bishop, having been informed that the Duke would come to him before going elsewhere, awaited his visit patiently. "I scarce believe any pains can be taken with him [Wharton], will hinder his seeing you," Hay wrote to him, July 4. "His zeal won't allow any insinuations to hinder him from it, and I wish his prudence may be as great in concealing what passes betwixt you; since some of those, who wish him best, are apprehensive that his foible lyes that way"[1] Hearing of the Duke's arrival at Rotterdam, Atterbury at once wrote to him.

Francis Atterbury to the Duke of Wharton

July 9, 1725.

Venisti tandem? tuaque expectata J—bo
Vicit Iter durum Pietas? dabiturne tueri
Ora tua, et notas audire, ac reddere voces?
Sic equidem ducebam animo, rebarque futurum,
Tempora dinumerans Da dextræ jungere dextram,
Da cupido, Teque amplexu ne subtrahe nostro.
Admiranda tibi haud levium spectacula rerum
Evolvam lætus, totiusque ordine gentis
Consilia, et studia, et mores, et prælia dicam,
Et quo quemquo modo fugiasque ferasque laborem?[2]

The Duke, however, for reasons which he gave to the Pretender, did not take Paris on his way to Vienna.

[1] *Stuart Papers* (ed Glover), 1 217. John Hay, titular Earl of Inverness, had replaced Mar, whose treachery had been discovered, in the confidence of the Pretender

[2] *Ibid.*

The Duke of Wharton to the Pretender

ROTTERDAM, *July* 4, 1725.

. . . I must with great humility beg leave to represent to your Majesty the great difficultys under which I should labour as to my going to Paris at present. It is certain that nothing should hinder me from waiting on the Bishop of Rochester, were your Majesty's commands to me positive. I begg that you will believe me attach'd to no person but to yourself. Your Majesty in this case only suggests it as your opinion that it would be of consequence if I did. Upon which I beg leave with the greatest submission to represent that it will be impossible for me to take that step, but it must be known; for the spys of the count are all paid to give that kind of information, and how far it may be for your Majesty's interest that such an interview should be known to the English ministry, before I had been at the court of Vienna, I leave your Majesty, to judge. I conceive it would be of apparent ill consequence; might allarm the enemy; and prove ev'n an obstacle to the other part of my negociations. There is one reason more which I hope will have some weight with your Majesty, which is, that L. Leah [Lord Orrery] and the rest of those I before mentioned, never have entrusted me with any correspondence between them and the Bishop of Rochester, so that I should not be at liberty to make use of their names to him without betraying of private confidence; and should I avoid telling the Bishop of Rochester every thing of the English affairs and the names of every person concern'd in Your Majesty's busyness on that side the water, it would create a fatal jealousy between the Bishop and those others whom I have before mentioned. I hope and beg that for these reasons, I may be excus'd at this juncture, going to Paris; but if Your Majesty should think it necessary, and lay your commands upon me to that effect, nothing shall hinder me from obeying of them punctually and honestly. For fear I should be wanting in any thing that may conduce to your Majesty's service, I have by this post wrote to the Bishop of Rochester and

desired his instructions to be sent to me at Vienna, and a cypher for our future correspondence, which packet must be arrived there before I possibly can.[1]

The Duke of Wharton to the Pretender

FRANKFORT, *July* 13, 1725.

. . . I am under the greatest uneasyness lest I should have incurr'd Your Majesty's displeasure in my not going to Paris, but I can assure Your Majesty that there are many reasons, not of my own, which prevented my taking of that step For my part, I freely own, I thought it right, but I fear, from what I know, and from what fell from Mr Zenks [James Hamilton] in a discourse on that subject, that had I waited on the Bishop of Rochester, it would have made such a breach between some persons in England, which, for ought I know, might have ended in their breaking off their correspondence with me. I could not write to your Majesty so freely upon this affair from Rotterdam, for a reason you will easily suggest, but was forct to give Your Majesty the sence of others; not my own. I hope your Majesty will not mention to any person whatsoever this manner in which I have open'd my conduct in that affair; but I thought it my duty to explain myself thus far, being attacht to no person or party, but your Majesty and the Cause.[2]

In due course Atterbury heard that the Duke had arrived in Holland, and had gone direct to Vienna to execute his mission. To preserve his peace of mind, nothing was told him from Rome of the reasons why the Duke had not visited him, and Hay, writing to him on July 25, dismissed the matter airily, merely remarking that "it was certainly very unlucky that the Duke of Wharton did not pass by Paris."

[1] *Stuart Papers* (ed Glover), 1 220 [2] *Ibid*

Francis Atterbury to the Duke of Wharton, at Vienna

[PARIS,] *July* 11, 1725.

MY LORD,

I had heard of your arrival in Holland, before I received your letter from thence, and had writ to you thither, under the same cover, which conveyed yours to me. If you have left directions with the gentleman,[1] how to forward anything of that kind, you will find how impatient I was to have seen you, and discoursed [with] you about the sum of affairs, being encouraged to hope for such a meeting by him, from whom you received your instructions at your landing on this side. I am persuaded, we might have met undiscovered, at a distance from this place; and that such a conference would have been of some use, before you went on, upon your intended journey.

Since I have missed that opportunity, and all the pleasure I promised myself from it, I must do what I can to retrieve the misfortune, by fixing a sure and secret correspondence. Till that is done, and a cypher transmitted to you after a secure manner, I dare not write to you with freedom. I am labouring to settle such a method, and hope I shall be able to do it in a very few days. In the meantime, I make use of the address you send me, and shall be glad to hear this reaches you by the means of it; I wish it may, since the direction is so general. I must put your own name on the back of this letter: hereafter, you will give me some other, to be made use of on such occasions. The way in which you directed to me, may be made use of, till I furnish you with a better.

You are, my Lord, in a place which will give you an occasion of exerting all your talents for the public good. 'Tis the very spot of business at this critical juncture. On the measures that shall be taken there, our hopes at present chiefly depend. The great point is, to set things in such a light, that those you deal with, shall be convinced of the facility of what you propose: for as to its usefulness, in respect to them, they themselves will, and must be the only judges. But I forbear, and conclude

[1] Probably James Hamilton, who met the Duke on his arrival at Rotterdam.

with assurances that there is not a man in the world that loves and honours you more, or is with a more sincere respect, my Lord,

Your ever faithful and obedient servant.[1]

The Hon. James Murray to the Hon. John Hay

PARIS, *July* 16, 1725.

. . . The B[ishop] of Rochester shewed me tother day a mighty reasonable pretty letter from the Duke of Wharton, by which I find he is sett out for Vienna. I hope his representations may have some weight, but as his being there any time will be a thing of *éclat*, I'm of opinion that Mr Erlack [the Emperor Charles VI], after hearing him, will desire him to retire from thence; and if he dos, I own, I would not conceive the less hopes of his intentions, because if they be favorable at bottom, it would be useful to conceal them, whereas if there was no such thing he might perhaps find it for his purpose by an *éclat* of that sort, to shew his whip to Mr Miller [the Duke of Hanover] I think the Duke of Wharton may do in a short time all the good he possibly can do there, and since a long stay might be lyable to other inconveniencys which I have already mentioned, I own, on all accounts, I should not be sorry if his affair took this turn [2]

Of the talents of the Duke no one had a higher opinion than Atterbury, but in his discretion no one had less faith.

Francis Atterbury to the Pretender

PARIS, *July* 16, 1725.

He has all the talents requisite to dive into the intentions of those he deals with, and an extraordinary degree of application when he pleases, and is intent upon

[1] *Stuart Papers* (ed Glover), i 219

This letter miscarried, and was returned to Atterbury through the French post-office Atterbury enclosed it in that dated August 26, addressed to the Duke

[2] *Stuart Papers* (ed. Glover), i 238

compassing any point. He will be at a distance from all that company which misled him sometimes into politics at home, and will, I hope, have no starts of that kind in a foreign country and a grave Court, especially when he has aims of such importance in his view as those which at present possess him If this proves the case, as I flatter myself it will, he will be useful to you, Sir, beyond what you could expect from his age and experience. You will soon have opportunities of knowing how he conducts himself and your affairs, as far as he is apprized of them, and will be pleased to let him into your confidence in proportion to the use you find he makes of it

Atterbury, however, soon repented him of his hopefulness, and on July 25 wrote to his master to suggest that a man, less brilliant but steadier, Chevalier Geraldine, should be associated with him in his mission.

Francis Atterbury to the Pretender

PARIS, *July* 25, 1725.

May not it be convenient as matters stand to send him [Chevalier Geraldine] for some time to Vienna? He can take a cup with the Duke, and perhaps divert him from any excess, which I take to be the Duke of Wharton's greatest failing, who, if in any ways imprudent in his cups, will find people enough in that country ready to ply him that way, and to take advantage of it by representing him to the Emperor, who has an aversion to people that are addicted to too much drinking.

In the meantime Atterbury had placed himself in direct communication with the Duke at Vienna.

Francis Atterbury to the Duke of Wharton

July 17, 1725.

MY LORD,

Upon the receipt of yours from Holland, I wrote immediately to you, under Mr Sheridan's cover,

which was directed " A Monsieur Sheridan, gentilhomme Anglois, à Vienna " : I was (and am still) in doubt, whether that letter, with such a general direction, would reach you surely, and shall be in pain, till I hear you have it In the mean time I am endeavouring to find out a surer channel by the Pope's Nuncio here, to the Nuncio at Vienna, who, I understand, is particularly acquainted with Mr Sheridan, and, I hope, by that way to send you this very letter, and to fix it as the future method of our correspondence Till that is done, and a Cypher also agreed on, nothing of consequence can be written on either side; the common post being not to be trusted.

I want to know an hundred things of you, and to impart also a few things to you, when both may be done with safety and freedom, and think it a great misfortune that I missed seeing you, which might easily have been compassed without observation, at a proper distance from Paris But it is too late to think of retrieving that point. What remains, is to manage our present distance as well as we can, towards serving the Cause to which we are equal well-wishers. I shall do it on my side, as far as my health will permit, with fidelity, industry, and pleasure; for as I have nothing in my view but to procure a R[estoratio]n, so there is no hand in the world which I more wish should be employed in it, and have a distinguishing share in the work, than your Grace's— acceptable to me on many accounts, and particularly with regard to the last parting acts of friendship which you shewed me, and for which I will make your Grace, while I live, all the returns in my power. The juncture is critical, no moments must be lost. A few weeks (nay days) as things now stand, may furnish the opportunity we want, if we are so happy as to lay hold of it, and improve it. And, in all probability, your Grace is on the very spot, from whence the first motions to our happiness must proceed; and will have it much in your power, both to procure them at first, and afterwards to influence and guide them. They want light into the true state of Affairs at home, and you, my Lord, can give it to them; and consequently inspire them with courage to

venture upon that, which they will think it their interes to attempt, if once they are convinced it is practicable If they cannot dissolve the present intimacy betwee E[nglan]d and F[ranc]e by Treaty, they must do it b force, and by putting one at the head of things there upon whose friendship they may more firmly depend Their counsels seem at present to fluctuate on that head it is reserved for you, I hope, to determine them : and ir order to it, I am able to suggest motives of consequence and such as they are likely to taste at this juncture But I will not enter into that matter, till I am perfectly sure of my channel. You can, if I mistake not, write to Rome, and receive an answer from thence, in ten or twelve days ; and I have written my mind thither fully on several occasions. You cannot fail of drawing from thence many of the lights you will want and I am sure you will not fail of making a proper use of them. Go on, and prosper !—[1]

Tuque dum procedis, Io triumphe,
Non semel dicemus, Io triumphe,
Civitas omnis : dabimusque Divis
Thura benignis.

[P.S.] No more at present beside professions of the sincerest respect, and entreaties that I may hear from you about the state of affairs both at home and abroad !

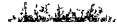
You may write to me by the same conveyance, addressing it under the name of Andrews to me, and putting a cover over to it, à Monsieur Murray, gentilhomme Ecossois, à Paris. Mr Sheridan is well acquainted with the Nuncio in your parts, through whose packet it will come by the Nuncio here to Mr Murray, and by him to me.

What name shall I give you in my address to you for the future ? [2]

[1] *Stuart Papers* (ed. Glover), i 238 [2] *Ibid*, i 238-241.



PHILIP, DUKE OF WHARTON
From a mezzotint by Strong in the possession of A M Broadley, Esq



Francis Atterbury to the Hon. John Hay

[PARIS,] *July* 30, 1725.

. . . I have heard nothing yet from the Duke of Wharton. He is upon the very spot of action, and will be a witness of all that passes in relation to the dispute of the *Pas*,[1] upon which a great deal depends. I have yet no way of corresponding surely with him · for though the Nuncio here has been so civil as to write to the Falconer [Minister] there on purpose to convey our letter, yet I cannot hope for his repeating those favours, since he says, he has no business or intercourse with that Falconer. But with him in Spain he has, and will always convey and reconvey my letters by that channel, as he has begun to do already.[2]

Francis Atterbury to the Duke of Wharton

August 26, 1725.

SIR,

Both your letters of August 2 and 8 reached me safe, and both (I need not tell you) were welcome. Mine to you of July 11. lay in the posthouse here for want of my franking it to the frontier; and from thence I have lately retrieved it. The latter clause of it is the only one that deserves your perusal. However for the sake of that, and to show you that I was willing to lose no time (though I have happened to lose a great deal) I transmit

[1] The Hon James Murray to the Hon John Hay, July 23, 1725.—"The only thing we have now at present as to Spanish affairs is the Duke of Riperda's having notified at Vienna that he had received orders not to yield the *Pas* to the French Ambassador, which, as most people think, will oblige this Court to recall the Duc de Richelieu in order to avoid a publick contest, in which he would certainly come by the worst, and, by consequence, his Master be affronted. If it be the King of Spain's intention to oblige the French to make an offensive war against him, he will probably send the like orders to other places and refuse saluting their Ships, etc"

[2] *Stuart Papers* (ed Glover), 1. 251.

the whole to you. I am in a little pain as to this reaching you, because the person [1] under whose cover it comes, is, by this time, I know well, upon his remove from your parts: but I hope, being aware of this, he leaves instructions behind him, for somebody to open any packet that comes from hence to him, and deliver yours to you. Under that view, I shall venture at saying something to you in this, though not so much as I would, if I were thoroughly at ease as to the conveyance

This is the last time I shall write to you this way, because I find the two gentlemen [2] made use of to transmit our letters backwards and forwards, are not regular correspondents, nor upon such a foot, as to be willing to convey. At least that is the case of the person here; and therefore I must, in decency, trouble him no further than, once for all to settle by his means, our Cypher and method of address. It is troublesome to use your Syllable-Cypher without adding to it another of names, which will often shorten the work: and such a one therefore, I now send you.

You may safely send any thing that you write in those two Cyphers, by the common post; directing it without any cover, à Monsieur JONES, vis à vis la Fontaine de Carmelites, Rue et Fauxbourg St. Jacques, pour faire tenir à Monsieur VILDOC, à Paris; or under cover à Monsieur WATERS, Banquier, Rue de Battoir, Paris, inclosing a letter à Monsieur ANDREWS or MALHERB. While there is no rupture between the two nations, there is no manner of danger in this method of conveyance. On the other side, you will be pleased to let me know, under what banker's cover at Vienna I must direct to you by the name of ARNOLD. which you may impart by the same method you sent your last, if for once more, you can employ the Nuncio with you, and convey your letter easily to him, after Sheridan shall be gone, but in that case you must put mine under a cover, à Monsieur OBRYEN, à Paris, who is known to the Nuncio here, as I

[1] Thomas Sheridan, who had been appointed Sub-Governor to Charles Edward; and who was now about to leave Vienna to assume the duties of his office.

[2] The Nuncios at Paris and Vienna.

am not, nor desire to be—for many reasons So much for preliminaries.

I am sorry to say, your account of the state of things in that country you left, is not news to me. I have heard of it from several hands, and shall have still ampler accounts in a conversation I am to have to morrow even with Mr Philips. Since the desertion is begun and will certainly go on, nobody being left on the spot to resist it,[1] the more quickly the steps can be taken towards obviating the consequences of it, the better; that so that degree of spirit now remaining, may not be checked and extinguished before the time of action comes And yet the opportunity cannot possibly be ripened, or wisely laid hold of, till some Foreign Power is induced to lend its assistance, and in so effectual a manner, as to convince those at home, that any attempt they shall make for their liberties, will not be insecure nor fail of success. Too many raw and rash schemes have been already formed, which, had they been executed, would have ruined those for whose sakes they were entered into, and strengthened the hands of their enemies. And that effect, though not executed, in good measure they had, upon the treacherous underhand discoveries that were previously made of them.

[1] Among the Duke of Wharton's correspondence there is the rough draft of one of the letters to Atterbury (that of the 8th of August) the receipt of which is here acknowledged The present passage evidently refers to that particular part of the last-mentioned letter, in which, after mentioning that "the disafection of the common people increases daily in England," and that "he could with pleasure, assure him, that many considerable men in England are still sincerely attacht to the King and his cause, and labour with more industry and assiduity than ever, in promoting of his Majesty's interest," observes, "but I wish I could leave this head without being oblig'd to make my compliments of condolence for the inconstancy of poor Bathurst, who has quite left his old friends, and seems to be the intire pupil of Bolingbrook and Harcourt *Heu Pietas, Heu prisca fides!* I wish Lord Gore does not fall into the same snare before he knows where he is They have already prevailed upon him to preach up dispair in all companys, and such a doctrine is poyson to honest minds that are subject to fear Sir William Wyndham is the secret spring of this desertion, or, at least lukewarmness in men of better sence than himself, and neither of these Gentlemen whom I have mentioned are ever at present consulted in, or entrusted with, any busyness whatsoever."

I need not say by whom—that matter is no secret at present · since my coming over, such ample proofs of it have appeared to me, as are not to be resisted. Let therefore the next Attempt be upon a sure foot, and with the utmost secrecy. I will answer for it, that nothing imparted to me here, shall break out; for I use no hands but such as I can entirely depend on. The only Power of which there is at present any good hope, is that of your Court (wherein that also of Spain is included). How happily are you situated in that respect, and how much may we owe to your address and diligence? Get into Riperda's [1] acquaintance if you can possibly, and find it will give no jealousy to Zinzendorf. Nothing is to be expected from hence. There is not the least disposition in this Court to favour the King a cuse,'s which surely should induce those where you are, the more heartily to espouse it. I shall long to hear the event of your Memorial; but wonder how matters could have been so soon ripened, as to enable you to present one.

When once the negociation begins to work, you will be furnished with the topics fittest to be urged and insisted on: and I can assure you there are such to be offered as, it is highly probable will be relished. But of these things you will hear from Rome. Nothing can please me more than that expression, that you will do your duty as a subject to your Prince, and as an Englishman to your Country. He that carries those two things together in every step he takes, and never divides the interest of the one from the other, cannot well miscarry. Depend upon my seconding you in everything which tends to the joint good in both. That is the point from which I will never vary. The King is possessed with a just sense of all your noble qualifications: exert them for his service. Never man had a fairer field for action assigned him: *Spartam, quam nactus es, orna*, and though you made so significant a figure at home, let the world be

[1] Ripperda had, on July 17, 1725, arrived at Vienna, travelling from Madrid and staying there incognito as Baron Pfaffenberg, and being visited at night by Zinzendorf, the Emperor's prime minister, who, at this time, according to the Duke of Wharton, was "the greatest enemy to George and his family."

convinced that you can be yet more useful abroad. Will you give me leave to put you in mind, that your success will, in great measure, depend upon the coolness of mind in which you shall preserve yourself [1] *Hic mos est, multis urgere culullos.* He that can bear that sort of question, especially in that clime (*commissumque teget jam vino tortus*)[2] is superior to all others. Pardon me, Sir, for this pedantry; you led me the way to it, by the Latin at the end of your second letter.[3] Surely, I have read those lines in some of Tully's Epistles If I have not, I have read none better there I wish the application were as proper as the Latin is excellent. It would make me amends for all I have suffered, could I be sure that the reflection belongs to me Now I am in this learned way, permit me to recommend one book to you—Cardinal D'Ossat's Letters. Be pleased to read them, if you can light on them where you are, as the justest model of acting and writing in all matters of negotiation There is a late French edition of those Letters, by Amelot de la Houssaye, in two Quartos, and a Dutch one with the same Notes, in Octavo. If you can get either of them, I am very sure you will find in those letters, something that will please you wonderfully, equal entertainment and instruction, a mixture of wisdom and honesty, both in the height. But enough of this matter. Nor will I venture any farther at present upon other matters, till I hear whether this comes safely to hand Believe me ever, with the truest respect,

Sir,
Your very faithful,
and most obedient Servant,
ANDREWS.[4]

[1] This is the Bishop's delicate manner of insinuating his advice to the Duke not to indulge in his frequent and unrestrained potations—a failing which no preaching seemingly could extinguish or even mitigate. The *Hic mos est* appears to be an addition of the Bishop's own to the line of Horace.

[2] Commissumque teges et vino tortus et ira —*Hor* lib i Epist. 18

[3] Dated the 8th of August, 1725, a rough copy of which is in the Collection, but it is much to be regretted that it does not contain the Latin lines which are here said to have been at the end of it.

[4] *Stuart Papers* (ed Glover), i 268-173

Francis Atterbury to the Duke of Wharton

September 24, 1725.

SIR,

I have heard nothing from you since a short letter of yours, dated about a month or five weeks ago, wherein you promised me, by the next post, a long one. I have written to you, since that, largely, though without entering into matters of consequence; not being sure mine would reach you. It went by Quin [the Pope's Nuncio], and I told you in it, why I could make use of that channel no more. I ought regularly, before this time, to have had an account of your receiving it, which I now desire. I have from Ulick [Rome] your two addresses you sent thither, and now make use of one of them.

I sent you in the large packet that Quin conveyed, the copy of a Cypher. I am in pain about that, and shall be, till I hear it reached you, and in due time. I believe, I sent you an address for myself. If I did not, let your next be directed à Mons. ANDREWS, under cover, à Mons PANTON chez Mons ADAM, Rue des Postes, près l'Estrapade, à Paris.

I wait impatiently for the answer to your Memorial I can say no more till I hear from you, but am,

Sir,

Your ever faithful and obedient Servant.[1]

Francis Atterbury to the Duke of Wharton

October 1. [1725.]

MY LORD,

Your letter of September 1, reached me not here till September 29. How that came to pass, and where it staid, I have not yet learned; nor am I very solicitous, having determined (and indeed being obliged) no more to make use of that channel Last week I sent

[1] *Stuart Papers* (ed. Glover), i 281-2

you a letter according to one of the two addresses I received from Ulick [Rome], and if I find it comes safely to your hands, I shall write the more freely for the future. In the mean time, permit me to congratulate you upon the successful steps you have hitherto made, and to wish, as I do most heartily, for your honour and the public good, that the end may be suitable to these beginnings.

Permit me only to add a line from an author you love, and which has never the less sense in it, because it is expressed in good language—*Crebro tibi vafer ille Siculus insusurret cantilenam illam suam* (I won't put the Greek, but his brother Quintus's translation of it)—*Nervos atque artus esse sapientiæ, non temere credere.* Pardon me for supposing that you can have the least occasion for such an hint, after reading those words in your letter, " I shall soon be able to distinguish whether this Court is inclined effectually to serve the King, or whether they will treat with us only to amuse us." I firmly depend upon you, in that particular, but beg you withall, not too soon to fix your opinion though it should be supported by plain and convincing appearances, for at such a critical juncture there are sudden ebbs and flows of politics; and a few days' time may, in the steadiest Court in the world, produce a change of measures when their steps must (as the case now certainly is) depend upon those of their helpers enemies, which are manifestly guided by the necessities they find themselves under, and will therefore be subject to great variations One good customer [Ally] added to Harrison, [the Emperor], Jerry [France], etc., (particularly Foster) [the Czarine], will turn the scale, inspire new sentiments, and alter the whole scene of affairs · that is, it will change the views of interests upon which all turns, and will make that seem feasible to-morrow, which to-day seems otherwise. Therefore continue for God's sake on the spot where you are (at present the most promising of all others) till you find the game absolutely desperate and beyond retrieve—which I hope and believe, you will never find I know you are well-instructed as to Robinson [the Ostend Company] (a point of great consequence), and therefore shall say nothing on that head. The true light into which you

can put that matter, must awaken and inspirit those you have to deal with. On the other point, the Succession, I am no ways instructed myself, and shall therefore be silent But, methinks, there is one thing so clear, that nobody can miss seeing it. The Hunters [the English] at present hold the balance of Europe They are not shy of owning it, they boast of it both at home and abroad. nor is it a mere boast, for they say true. If so, what can be plainer than that, in order to change the balance, there is nothing requisite but changing the hand that holds it. The facility of doing that, is the point to be thought on and laboured Digest that point well, turn it every way in your thoughts, compare the difficulties and the remedies, neither disguising (to your own mind or to others), the one, nor over-rating the other: in short, convince your own self first, and then I am satisfied, you will be able to convince those, whoever they are, that treat with you.

I question not but by this time, you are well with Wernon [Ripperda]. Through that channel due infusions may be made, where they may prove of good use, and where none will be made (I am sorry to say it) unless by the means of those who are at a distance. 'Tis true, the spring of the counsels of Walton Abbey [Spain] now lies elsewhere; but the better they are instructed, the more ready they will be to fall in with the measures that shall be contrived for them. Excuse these general reflections: when once I am sure that what is written reaches you safely and unopened, I shall be more particular. Perhaps the other address you sent to Ulick [Rome], will be the most secure. If you think so, tell me, and I will for the future (for the most part at least) make use of it.

Yours to me may be (without any cover to another) as follows—A Mons. Jones, vis à vis la fontaine de Carmelites, Rue de Saint Jacques, pour faire tenir à Mons. Vildoc à Paris.

Rawlinson [Lord Orrery] is to be here by the end of this month. Have you any commands for him which you think it proper for me to impart?

When you write to Paris, postage to the frontiers of France must be paid beforehand; else your letter may

lye at the post-house of Vienna, as mine designed for you, did a long while at the Bureau of Paris.

Without further ceremony, Adieu, for the present, and believe me the most respectful and faithful of your humble servants.[1]

Francis Atterbury to the Hon. John Hay

October 1, 1725.

. . . I have heard from Offield [the Duke of Wharton], by a letter of September 1, which reached me not until the 29th. It came, I suppose, by Everton's [the Pope's] Falconer [Minister], directed to Finlay [Mr Murray]: but where it lay so long by the way, I know not. I have written him word, that till I am sure of letters going more speedily and safely, I cannot be very particular with him. However, in general reflections that may be of some use to him, I have not been wanting One passage of his letter I was pleased with, and verily believe he will be as good as his word. I will give it you in his own terms, according to the cypher he uses "I shall see Zano [Count Zinzendorf] again to-morrow even, and shall soon be able to distinguish whether this Court be inclined effectually to serve the King, or whether they will treat with us, only to amuse us"

I have begged him, upon this, not to decide too soon, but to wait a little, notwithstanding any unpromising appearances; since at such a juncture, a few days and some new event that may arise, may occasion and render seasonable new resolutions and new measures.[2]

At Vienna the Duke of Wharton became a favourite with the Emperor, and being, according to the Marquis d'Argens, "a handsome man, with a delicate wit, and every accomplishment of nobility,"[3] he was popular with the Court. At first he behaved with great caution,

[1] *Stuart Papers* (ed Glover), 1. 283-6 [2] *Ibid.*, 1. 289-290.
[3] *Memoirs of the Count du Beauval*, 62.

but his fondness for the bottle could not be indefinitely suppressed, and when intelligence of his succumbing to this weakness reached Rome Sir John Græme was sent to support him.

The Pretender to the Duke of Wharton

De ROME *ce 7 Decr.* 1725.

Apres tout ce que je sçay de vostre zèle et de vostre amitié pour moy, vous ne devez pas douter de la satisfaction que j'ay de vous scavoir rappellé en Espagne, où vous ne pouvez manquer de recevoir du Roy vostre Maistre toutes les marques de confiance et d'Appui que vos services et vostre merite exigent, et ou je me flatte que vous ne serez pas moins ettentif, à avancer mes interests que vous l'avez deja esté et je vous prie de vous entendre sur ces matieres avec le Duc d'Ormonde qui vous fera tenir cette lettre. Je l'ay chargé de vous Informer de ce qui vient d'arriver dans ma famille, la Reine a esté seduitte, mais j'espere qu'a la fin elle reconnoistra le tort qu'elle a fait a soy meme et a moy, il est en effet grand car en cette occasion on ne m'a pas meme espargné sur ma fermete dans ma religion, mais la malice de mes ennemis est dans toute cette affaire si noir et so si manifeste, quelle ne scaurait que tourner contre eux memes sans me nuir facon quelconque, quoique si j'avais suivi les avis du Car : Alberony j'aurais donné dans le panneau et me serais ruiné a tout jamais, car ce Cardinale a fait et continue de faire dans cette occasion un personnage tout autre que je n'aurois du m'attendre et de l'Idée que j'avais de luy et de ses services que j'ay taché de luy rendre. Je n'ose entrer icy sans chifre en d'autres matières mais je vous prie de croire que j'ay toute la confiance immaginable dans vostre amitie pour moy, et une égale empressement à vous prouver la sincerité de la mienne. JACQUES, R.[1]

[1] B. M., Add. MSS 32,685 f. 53.

The Pretender to the Duke of Wharton

December 17, 1725.

. . You have one with you whom I much esteem, and whose greater experience of the world may enable him to moderate sometimes in you, a zeal which cannot be too much commended, but which it may be sometimes more advisable to conceal, that it may be essentially useful on great and proper occasions. You are young and have time before you to make that figure in mine and my Country's service, which your birth and personal good qualities will enable you to do. I am fully persuaded you will ever answer my great and just expectations of you, and I hope I shall have it in my power to give you the most distinguishing marks of my favour and friendship [1]

[1] *Stuart Papers* (ed. Glover), 1. 270.

CHAPTER XI

AT THE COURT OF SPAIN

(*January-June* 1726)

The Duke can effect nothing at the Court of Vienna—He goes to Spain —Visits the Pretender at Rome—Invested with the Order of the Garter—Returns to Madrid—Presents his credentials to the Duke of Ripperda—Favourably received by the King and Ripperda—Secret negotiations—Benjamin Keene's account of the Duke of Wharton—Ripperda and the Duke of Wharton in conference—The reference to the Pretender in the King's Speech to Parliament —The British Government has hitherto taken no action against the Duke—He is now summoned to appear before the Privy Council —The warrant served upon him at Madrid—He destroys it—In a letter to his sister, Lady Jane Holt, he complains of the proceedings against him—And declares his adherence to the Protestant religion —His project for the invasion of England.

WHEN it became all too clear to the Pretender that nothing could be effected in his favour at the Court of Vienna, the Duke of Wharton was recalled, and summoned to Rome There, though he had not given entire satisfaction in the conduct of his mission, he was invested by the Pretender with the Order of the Garter on March 5, 1726, a distinction which, it will be remembered, he had craved in vain nearly ten years earlier. Before this, as is shown by the following letter, hitherto unpublished, he had been sent to Spain to assist the Jacobite leaders, who were already in residence at Madrid, the Duke of Liria (son of the Duke of Berwick) and the Duke of Ormonde, in the endeavour to secure for their cause the good offices of Philip V.

The Pretender to the Duke of Wharton

De ROME *ce* 9 *Fevrier* 1726.

Mon Cousin,

J'ay appris avec d'autant plus de satisfaction les marques distinguées de confiance dont le Roy Catholique vous a honoré depuis vostre rétour en Espagne, que vostre amitie pour moy dont je suis bien informé m'engage à m'intéresser particulierement à vos advantages privates, et à les regarder comme les miennes propres. Je vous prie d'escouter le Duc d'Ormonde sur des matières dont il ne connait pas d'ecrire hors de cyfre et d'avou pour lui une confiance entiere sur tout ce qui me regarde, ce qu'il vous aura appris par rapport à la Reine et ce j'ay esté obligé d'en écrire moy meme au Roy Catholique me dispensera de vous en entretenir icy longument ; j'espère que les bons conseils de LL. M & M. C C contribueront a la rammener à son devoir, et la détacheront de ceux qui ne cherchent qu'a nous perdre l'un et l'autre, et si j'avais suivi les conseils du Car[dinal] Alberony ils n'auraient que trop réussi J'ay esté necessité d'écrire fortement contre ce Cardinal au Roy mais j'aurais cru manquer a luy aussi bien qu'a moy si je n'avais parlé clairement sur son sujet. Continue moy je vous prie vostre amitié dans laquelle j'ay la plus grande confiance, et soyez persuadé de la sincerité de la mienne et de ma parfaitte gratitude.

Votre affectionné Cousin
Jacques R.[1]

After a brief sojourn at Rome the Duke returned to Madrid, armed with a formal letter of introduction, as the accredited envoy of the Pretender, to the Duc de Ripperda, who in the previous January had been appointed Secretary of State to the King of Spain.

The Pretender to the Duke de Ripperda

De ROME *ce* 4 *Mars* 1726.

Le Duc de Wharton n'aura pas besoin de recommenda-

[1] B.M., Add. MSS. 32,685 f 55.

tions auprès de vous. Vous reconnaissez son mérite, et son crédit en Angleterre, et son sincère attachement à moy ne vous le rendra pas, je suis sure, moins estimable. Je l'envoye en Espagne pour représenter à leurs Majestés Catholiques ce qui regarde mes interests dans une conjoncture aussi critique, et je vous prie de luy donner vos conseils, et de l'appuyer de tout vostre crédit aupres de vos maistres.

Je suis plus sensible que je ne puis vous l'exprimer, à tout ce qu'il m'a dit de vostre zèle et amitié pour moy, et j'y place d'autant plus de confiance qu'il semble qu'il ne manque que mon rétablissement pour mettre le comble à vostre propre gloire, et pour rendre le Roy Catholique le plus grand Prince de l'univers. Je n'entrerai icy en aucun detail, me remettant au Duc de Wharton à vous entretenir de toutes mes affaires politiques et domestiques. J'espère tout de vos bonnes offices, et je vous prie de conter sur la sincerité de ma gratitude et amitié.

Jacques R.[1]

The Duke of Wharton presented this letter to Ripperda, who received him with great favour, the Stuart Restoration in England being an integral part of the minister's ambitious schemes. According to Coxe, Philip V. received the Duke as the representative of the Pretender, countenanced the plans of the Duke of Lina for the invasion of England, treated William Stanhope[2] with discourtesy, engaged officers for James's service, and sent troops into Gallicia, apparently to attack France or invade England.[3] Coxe certainly overstated the case, as the following letter shows; but there was so much secrecy and so much deception practised at this as at other Courts in any matter concerning the Pretender that it is difficult, if not impossible, to know what to believe. It transpired afterwards, however, that while

[1] B. M., Add MSS., 32, 685 f 56

[2] William Stanhope, after first Earl of Haddington (1690 ?-1756), British Ambassador at Madrid

[3] *Sir Robert Walpole*, 1., 203.

Ripperda, on the one hand, was preparing for war on England, he was assuring Stanhope that nothing was further from his mind than any such intention.

Benjamin Keene[1] *to Mr Robinson*

MADRID, *April the 5th*, 1726.

By Gordon I sent you an account of the Duke of Wharton's arrival and reception at Madrid, and likewise of his leaving it; which was, as I imagined, but for few days, though Ripperda would have made a merit of the short absence to Mr Stanhope. I can now give you, if you think it worth while, the continuation of his story; which is in substance that he has not been sober, or scarce had a pipe out of his mouth since he came back from his expedition to St Ildefonse

On Tuesday last, I had some company with me that the Dukes of Liria and Wharton wanted to speak with; upon which they came directly into the room. Wharton made his compliments and placed himself by me. I did not think myself obliged to turn out his star and garter, because, as he is an everlasting talker and tippler, in all probability, he would lavish out something that might be of use to know, at least might discover by the warmth of his hopes and expectations, whether any scheme was to be put in immediate execution in favour of his dear master, as he calls the Pretender. He began with telling me, he just then left the Duke de Ripperda, after an audience of an hour and a half and four minutes. The Duke of Ormonde was with him, but that circumstance he omitted. I told him, sure it must have been an affair of the greatest importance to his new cause, that could have made Ripperda spare so much of his time, considering the multiplicity of business he is charged with. At which (says he) you will shortly see the event; it is in my power to make your stocks fall as I think fit; my master is now in a post-chaise, but the place he designs for I shall not tell you. He complained that Mr Stanhope had prevented his seeing their Catholic Majesties; but I am very sure

[1] Benjamine Keene was British Consul at Madrid

he has delivered in some proposals in writing, which are not disencouraged; for on the first day of May, his P.'s birthday, both he and the Duke of Liria, amongst a thousand other things they let slip, were fond of drinking a perpetual union of the Saints of the day, whom God has joined, let no man separate The evening he was with me, he declared himself the Pretender's Prime Minister, and Duke of Wharton and Northumberland. Hitherto (says he) my master's interest has been managed by the Duchess of Perth and three or four other old women who meet under the portal of St Germains; he wanted a Whig, and a brisk one, to put them in the right train, and I am the man; you may now look upon me as Sir Philip Wharton, Knight of the Garter, and Sir Robert Walpole, Knight of the Bath, running a course, and, by God, he shall be hard pressed; he bought my family pictures, but they will not be long in his possession; that account is still open; neither he nor King George shall be six months at ease, as long as I have the honour to serve in the employ I am in He mentioned mighty things from Moscovy, and talked so much nonsense and contradictions, that it was neither worth my while to remember them, or yours to read them. I used him very *cavalierment*; upon which he was affronted; sword and pistol next day; but before I slept a gentleman was sent to desire everything might be forgot: what a pleasure must it have been to have killed a prime minister?

I must not forget to observe one thing to you, that is, not only he, but several of his party, before he came, whenever the occasion happened, were full of elogiums of my Lord Sunderland, whose death they lament, as a fatal blow to their cause. Upon the whole behaviour of this gentleman, it is easy to observe, that some project in their favour was certainly laid at Vienna; but Ripperda must have found himself not able to sustain it, since he was better informed of the true state of Spain, which must have obliged him to lay it aside till a better opportunity offers.

Wharton, Liria, and the young Jacks, are yet fond of it, and if it depends on them, would now put it in execution; but the graver sort of them are not so confident,

nor so much on their mettle. Wharton was telling the Duke of Ormonde, that his master did not love fox-hunting, but that he promised to go to Newmarket; to which he answered, he saw no great probability of it on a sudden, but wished the Pretender might take such care of his affairs, that he might be able to keep his word. But I think you will see our new Knight strip himself of his new honours before twelve months are passed, if he be thought worth the receiving.[1]

William Stanhope to the Duke of Newcastle

MADRID, *April* 11, 1726, N.S.

. . . Having since my writing thus far, been informed that the Duke of Wharton had been yesterday in conference with Ripperda, I thought proper to see that minister before the departure of this messenger, in order to be able to tell your Grace by him, what turn this Court gives to an affair that must make such noise in the world, as that of the arrival of an ambassador in form from the Pretender; which is the title at present given to the Duke of Wharton. Ripperda began by protesting to me (as he has done three days ago) that he knew nothing of the Duke of Wharton's having left Vienna, till he was actually arrived at Madrid, and that their Catholick Majesties were as ignorant of it as himself He proceeded, by saying that Wharton told him yesterday, that he was charged with a commission of importance from the Pretender to their Catholic Majesties, and therefore desired to procure him an audience as soon as possible, which he, Ripperda, promised to inform their Catholick Majesties of, and bid him return this night for the answer. Ripperda says, that the principal part of Wharton's commission, is to demand leave for the pretender to pass immediately into Spain; but that their Catholick Majesties so far from granting his request, have ordered him, Ripperda, to tell the Duke of Wharton, that they cannot receive any propositions from the Pretender, nor even give audience to any minister from him, and that he would

[1] *Hardwicke State Papers*, II 636-8

therefore do well to return speedily from whence he came.

Your Grace will not believe, I think, great credit is to be given to these discourses of Ripperda, it not being easy to imagine that his intimate friend would come hither without advising him, and having his approbation of it beforehand Neither is it to be supposed that the Duke of Wharton would have publickly taken the Garter (with which he was installed yesterday in great ceremony by the late Duke of Ormonde) and thereby render his return to England impracticable, without prospect of some expedition's being on foot, and speedily to be executed in favour of the Pretender, which is not possible to suppose could be negociated without the concurrence and assistance of this Court, tho' I cannot find any reason to believe that any attempt can be made from hence, but have grounds to suspect that the design is from Flanders, Ripperda having owned to me, that the Pretender has demanded of the Emperor leave to go to Brussels, and as the late Duke of Ormonde talks of going speedily to Rome, Wharton to Vienna, and General Sessan to Aix la Chapelle, I am persuaded the rendezvous is to be in Flanders.[1]

The Duke of Wharton to the Pretender.

MADRID, *April* 13, 1726.

. . . It would be taking too much of your time to mention the particulars which passed at each conference with Ripperda relating to the unfortunate separation in the Royal Family, which was the first and chief motive of Mr Collins [the King's] sending Lock [Duke of Wharton] hither. Prior [Duke of Wharton] endeavoured to explain Loftus's [the King's] conduct in its true light. Bentley [Duke of Ripperda] approved of it extremely, and said that the giving a Protestant governor to the Prince of Wales was a prudent and a wise step. He agreed that the King could not, nor ought not, to part with Lord Inverness. But at the same time assured me that it was

[1] Coxe: *Sir Robert Walpole*, ii. 596.

impossible to bring Kelly and Gibson [the King and Queen of Spain] to reason upon the subject, for that they were, and the Duke of Ripperda feared would continue, implacable upon it. On Monday night the Duke of Ripperda acquainted the King and Queen of Spain that Lock [Duke of Wharton] was arrived, and had letters from his master for them; and the next day he told me that they had ordered him to receive the letters, and that perhaps they might answer them, but would not allow me the honour of waiting upon them. He said that the King of Spain thought the Queen should be satisfied in every point, and that Lord Inverness should be removed, and the seals given to me: to which I answered, that though I should always be proud of serving Collins [the King] in any station, yet I would never consent to accept of an employment from which I should be liable to be removed by the caprice of the Queen, or the malice of one of her maids. so I desired to hear no more upon that head He then said, as from himself, that Garth [Duke of Ormond] ought to be made governor to the Prince, but I told him that it was impossible; and I believe Loftus [the King] will receive by this post Garth's [Duke of Ormond's] thoughts upon the subject.

I find Garth [Duke of Ormond] has been very active here; but I can say with great truth that nobody that has not been something conversant with this Court can imagine how impracticable it is to do business. The accounts the Duke of Ormond gave the King of this Court, and with which he was so kind as to honour me, are but too true.[1]

The Duke of Wharton to the Bishop of Clogher

My Lord,

Your Lordship will doubtless be surprised at the Receipt of a letter from this part of the world; and from one who has not had the happiness of a frequent Correspondence with you, But nobody, who knows your Lordship's Character, can be at all surprised that I write to the Bishop of Clogher concerning a good work, and

[1] Mahon: *History of England*, II. xxvii.

that I pitch upon your Lordship as the properest person to see it executed The sacred Character of a Bishop gives you a Right to interpose in affairs of such a nature, and your Lordship's publick spirit encourages every dutifull son of the Church of Ireland to ask your assistance in Commissions of this kind, even without making an Apology for the trouble of them Besides that your Lordship's Imployment of Vice Chancellor gives you a particular power to intermeddle in what I now commend to your care. I have more than once heard the High and Mighty Prince your Chancellor (whom I respect from the bottom of my Soul) express a very particular regard for your Lordship. I have a small sum due to me in Ireland, which is the Salary of a Privy Counsellor for six years past, and I have enclosed a Letter of Attorney to impower your Lordship to receive it and to apply it to the following use.

I compute that it will purchase five pounds a year, and I believe that a Clergyman may be chosen yearly by the University of Dublin to preach a Sermon in the chappel of the College or elsewhere on the Divine Right of Episcopacy

Five pounds are, I own, a slender Gratification for an excellent Sermon on so usefull a Subject, but this perhaps may be the beginning of a more considerable Donation from *others*, and I do solemnly engage my word of honour that whenever I return to England (and God grant it may be soon) I will enlarge the Gift to at least twenty pounds a year.

I am informed that there are no Lectures of any kind in Ireland, those of Mr Boyle and of the Lady Moyer have produced so many valuable discourses, have given such Emulation to the eminent Divines of England to surpass one another in the defence of the sacred truths of Religion, that I cannot but wish such lectures were set up also in Ireland, where there are so many learned Men and so capable of giving publick proofs to the world of their great and extensive knowledge. I write this in some measure from my own experience, for I could name several eminent Preachers in that Kingdom, if their Modesty would allow me to name them, whom during

my abode there, I have heard with pleasure & I hope with profit too, and whose discourses, if published, would be approved of by the best, and even by those who are not always the best, I mean the severest Judges

Having the honour to be a Peer of Ireland, I am very desirous to shew my regard for that Kingdom, even in the lowest instances; and as I never declined any opportunity of expressing it, I have laid hold of this small occasion of testifying my Duty to the Church of Ireland and my respect for the Nursery of it, the great and learned University of Dublin A Society which gave an early specimen to the World by its first Student Primate Usher, that he would be followed by a Brown, by a Lesley, by a Stearne, and by a King, and many other learned Divines, besides that Prodigy of Learning Mr Dodwell, whose works, together with Usher's are preserved with care and respect, not only in the great and loyal Universities of England, but in every Library of Europe; and how much the politer parts of Learning, and even the purity of the English Tongue are indebted to that University of Dublin, I need only mention S^r^ John Denham, Mr Congreve, Doctor Parnell, and the present Dean of S^t^ Patrick's. I mean our common Friend honest Jonathan Swift I leave it to your Lordship to determine whether the choice of a Preacher is to be placed in the University, who are to vote by Ballot in the Congregation, or in the Governours of the College, or whether the University shall name three, the Gov^rs^ of the College two out of three, and the Archbishop of Dublin one out of the two. I desire that the first Text preached upon may be the 5th of the Hebrews and 4th Verse, and that one Mr Jackson may be the first Preacher; I don't know his christian Name and have no personal acquaintance with him, he was and perhaps still is Curate of S^t^ Michael's (for Merit is not always rewarded) and surely he is, without disparagement to others, a very excellent Preacher.

I have pitched upon the subject of Episcopacy, because I think that order necessary not only to the well-being but to the very being of a Church (and I was not convinced to the contrary even at Geneva) and that the several Schisms in the Church of England and Ireland, and the

several wild irreligious Sects arose chiefly at that t when there was *no King in our Israel* (tho' Oliver ac as King) and when the first steps taken to destroy t Church and State were to remove the Bishops from House of Lords, then to suppress the whole sacred Or and at last to compleat all by the horrid and imp Murder of their *Lawfull* King. And it is to be obser that when the Church and Crown were restored toget when the Son of the Royal Martyr was put into possession of His Father's Throne, and Episcopacy restored to its primitive lustre, all the Sects, which crept up during the Usurpation and had been cherished it, dwindled by degrees after that memorable year 16 and in less than twenty years after the happy Restorat the very names of *Muggleton, Brown,* and their ancest John of Leyden, *Knipperdoling* and other Fellows w hard outlandish Sclavonick Names, were almost forgot in England, and their Tenets will, I hope, never be suppor and propagated for any long time, or to any great deg by any of their Successors, as Cl—— Hoa—— or Whist But I forgot myself by enlarging on a subject wh your Lordship understands so much better than I pretend to do. I beg your Lordship to honour me w an Answer directed to my Lodgings in Bernard Stre Madrid. You'll do me the favour to make my Com ments to the Archbishops of Dublin and Tuam & other Friends, and to believe me

My Lord

Pray inform me whether the House and Gardens of Rafarnam are kept in good repair and order.

Your Lordships Most faithful Humble servar

Wharton & Catherlough

MADRID, *May 13th* 1726, N S

P.S.—If the Sum due to me from the Privy Cou should fall short of fourscore Pounds, upon Your Lo ship's Letter I will remitt the remainder to Your Lordsh being desirous by Donation may be compleat.

KNOW all men by these presents That I, Philip Du Marquiss and Earl of Wharton, &c., have nominat

authorized and appointed, and by these presents do nominate, authorize and appoint the R^t Rev^d Father in God John Lord Bishop of Clogher in the Kingdom of Ireland my lawfull Attorney for me and in my name to demand, sue for and recover the Salary and Arrears of Salary due unto me as Privy Councillor of the said Kingdom of Ireland, to the Uses and Intents express'd in my letter to the said Lord Bishop bearing equal date with these presents, hereby ratifying and confirming all that my said Attorney shall do in execution of the Powers hereby given to him. In witness whereof I have hereunto put my hand & Seal in Madrid this 13th May 1726.

(L : S :)

Witnesses present
W^m Barrett
John Smith

Wharton & Catherlough.[1]

The actions of the Duke of Wharton abroad had been watched with interest in England by the Government. "The paragraph in the King's Speech about the Pretender is said to be in relation to Duke Wharton's negotiations with Ripperda and Prince Eugene at Vienna in favour of the Pretender," Dr William Stratford wrote to Lord Harley. "We say we know all that passed, and that his proposals were debated in a council of the Emperor's called on purpose, but that Prince Eugene, after the council, declared that he would have nothing to do with it."[2] The following is the passage in the King's Speech to which Dr Stratford alluded.—

It is not to be doubted but the enemies to My Government will conceive hopes that some favourable opportunity for renewing their attempts may offer from the prospect of new troubles and commotions. They are already very busy, by their instruments and emissaries, in those

[1] From an unpublished letter in the possession of Lord Mostyn, to whom the present writer is indebted for a copy.

[2] *Portland MSS.*, VII. 417

Courts whose measures seem most to favour their purposes, in soliciting and promoting the cause of the Pretender but I persuade Myself, notwithstanding the countenance and encouragement they may have received, or flatter themselves with, the provision you shall make for the safety and defence of the Kingdom will effectually secure us from any attempts from abroad, and render all such projects vain and abortive [1]

No further notice of the Duke of Wharton was then taken for some time. The British Government felt itself strong enough to ignore the attempts made by the Pretender to secure the intervention of a foreign power, and Walpole was always averse to proceeding against the son of his old friend Even when the Duke accepted the Garter, no step was taken against him It was not until after his interview with Keene, when he wore the insignia of the Order of the Garter, and after the reports of his actions at Madrid made by Stanhope, that it was thought advisable to abandon the attitude of passive indifference.

GEORGE R.

Our Will and Pleasure is, that you forthwith prepare a Bill for Our Royal Signature to pass Our Privy Seal in the Words or to the Effect following.

George, by the Grace of God, King of Great Britain, &c. To Our Right Trusty and Right Entirely beloved Cousin Philip Duke of Wharton, Greeting. These are to will and require you upon the Faith and Allegiance which you owe to Us, that within the Space of one Month after the Receipt of these Our Letters of Privy Seal, you Set aside all Excuses, and do return into Our Kingdom of Great Britain, and hereof fail you not upon the pain and peril which shall come of your contempt and neglect of this Our Command, Given, &c.

And for so doing this shall be your Warrant Given at

[1] *Journals of the House of Lords*, XXII. 575

Our Court at St James's the second day of May 1726, in the Twelfth Year of Our Reign.

By His Majᵗʸ's Command
J. Fohre Newcastle.

To Our Attorney or Sollicitor General.[1]

The warrant was duly prepared and issued under the Privy Seal, commanding the Duke, on his allegiance, to return forthwith to England, under pain of being outlawed This was served upon him at Madrid—it is said, it was handed to him when he was in his coach, that he glanced at it, and threw the document into the street.

The Duke of Wharton to the Hon. John Hay

Madrid, *June* 8, 1726.

. . . You see now that I am banished England, which is an obligation I owe to the Duke of Ripperda, and I declare that it is the greatest satisfaction to me that my precautions with him were such that I am his only sacrifice. I hope the King will take my behaviour upon this affair as I meant it, which was to avoid any suspicions of lying under the least imputations of playing the second part of the Duke of Mar's tune. I had rather carry a musket in an odd-named Muscovite regiment, than wallow in riches by the favour of the usurper.

I wrote a letter to the King of Spain and it was delivered to him this evening, but his Majesty making no answer to it, I set out infallibly on Tuesday next, and hope to be with you in three weeks, wind, weather, Moors, and Whigs permitting I am told from good hands that I am to be intercepted by the enemy in my passage. I shall take the best precautions I can to obviate their malice.

I wish the King would recall his Irish subjects from this country, for they have really infected Kelly and Gibson [King and Queen of Spain].[2]

[1] B M. *Add MSS.*, 36126 f 43.
[2] Mahon. *History of England*, II. xxviii.

The Duke of Wharton to Lady Jane Holt

MADRID, *June 17th*, 1726, N.S.

DEAR SISTER,

My name has been so often mentioned in the public prints, and consequently become the subject of private conversation, that my personal friends (you particularly) may, with reason, expect to know from myself what steps I have taken, or intend to take; and the true reasons of my present resolution. As to the reasons of my conduct, I do not think it proper to write them directly to you. I must refer you to some papers you will soon see published through all Europe;[1] I will not trust the good manners, or the good-nature of my enemies, by writing anything to you that might expose you to trouble, for it would sharpen the prosecutions begun against me, if you should suffer the least inconvenience from tenderness to me Whatever relates to myself gives me no uneasiness. Every virulent vote, every passionate reproach, and every malicious calumny against me, are so many real commendations of my conduct; and while you, and my sister Lucy, are permitted to live quietly and securely, I shall think our family has met with no misfortune, and has, therefore, no claim to the compassion of its truest friends.

I know your tender concern and affection for me; and write chiefly to give you comfort, not to receive any from you; for I thank God that I have an easy contented mind, and that I want no comfort I have some hopes; I have no fears; which is more than some of your Norfolk neighbours can say of themselves.

I desire your prayers for the success of my wishes and prosperity of our family. I scorn the false pretended compassion of my enemies, and it would grieve me much more to receive the real pity of my friends.

I shall not wonder if, at first, you should be affected with the warmth of the proceeding against me, and should show some concern at the attempts to strip our family

[1] This is clearly a reference to the manifesto subsequently published under the title of "The Duke of Wharton's Reasons for leaving his native country."

of its title, and to rob them of their estates; but you will soon change your mind, when you consider, that my real honour does not depend on Walpole or his master's pleasure; that a faction may attaint a man without corrupting his blood; and that an estate seized by violence and arbitrary power is not irrevocably lost. The word *late* is now become the most honourable epithet of the Peerage; it is a higher title than that of *Grace*; and whenever you hear me spoke of in that manner I beg you to think, as I do, that I have received a new mark of honour; a mark dignified by the Duke of Ormond, Earl Marischal, and others

You, that have read Clarendon's History, must know that during the reign of Cromwell and the Rump Parliament, the whole Peerage of England was styled THE LATE HOUSE OF LORDS: there was then no want of *late Dukes, late Earls*, and *late Bishops*; and why should that be reckoned a reproach to a single Peer, which was then the distinguishing title to the whole body? Was that usurper, Cromwell, the fountain of honour? Had he, who murdered one King, any more right to taint the blood of his fellow subjects than his illustrious successor, who has fixed a price on the head of another? For, as Lord Harcourt finely observes, in his speech on Dr Sacheverell, there is little or no difference between a wet martyrdom and a dry one. Can a high commission court at present, or a secret committee, tarnish the honour of a family? Is it a real disgrace to be condemned by Macclesfield, Harcourt, Townsend, or Trevor? Is it a dishonour to be robbed of a private fortune by those who have stripped the widow and the fatherless? who have sold their country? who have plundered the public? No! my dear sister, assure yourself that this unjust prosecution is a lasting monument erected to the honour of our family. It will serve to render it illustrious to after ages; to atone for the unhappy mistakes of any of our misguided ancestors. If it should end with me, it will, however, have outlived the liberties of England. Those honours, which we received at first from the Crown, can never be more gloriously interred than in the defence of the injured rights of the Crown, than in the cause of the rightful

monarch of Britain, the greatest of Princes, and the
of masters. But I forget myself by enlarging too fa
a subject that may not be so conveniently mentione
a letter to you. My zeal for my country; my dut
my sovereign, my affection to you, and my respec
my family and its true honour, have carried on my
further than I intended. I will only add, that no cha
in my circumstances ever shall lessen my tender con
for you, or my sister Lucy, to whom I desire you
present my love, and charge her, as she values
friendship, never to marry without my consent.
assured that no distance of place, nor length of time s
abate my affection for you. And my enemies shall f
whenever I return to England, it shall be with honou
myself and with joy to my friends; to all those I m
who wish well to the Church of England and to t
native country. Neither shall anything tempt me
abandon that cause which I have so deliberately embra
or to forsake that religion in which I was educa
Wherever I am, I shall be always, dear sister,

Your sincere friend and brother,

WHARTON

Whether or no the King of Spain replied to the lette
the Duke mentioned in the latter's communication
Hay on June 8, the Duke remained for a while at Mad
and while there drew up a project for the invasion
England by the Pretender, a copy of which fell into
hands of Stanhope, who transmitted it to the Duke
Newcastle at home.

The Duke of Wharton's project to restore the Pretender

The Pretender must go from Rome to Vienna *incogn*
and make a secret treaty with the Emperor and the K
of Spain to give Minorca and Gibralter to the latter
soon as he shall be in possession of Great Britain;
he shall not only guarantee to the Emperor the Ost
trade, but grant him the trade to the English Colon

[1] *Mahi MSS.*, 319.

as well in the East as West Indies. From Vienna the Pretender shall go to Petersbourg, the Czarina being absolutely resolved to assist him. From thence he shall go to Archangel to be transported into G[reat] Britain with ten or twelve thousand men. The King of Spain must land 8000 men in England and make himself master of a Port, and that the Emperor shall send all the troops that shall be thought fit from the Port of Ostend, and shall, at the same time, march more troops into the Low-Countrys to hinder the Dutch from sending any assistance into England. The affair must be begun in Scotland which will quickly be in arms, the Pretender having arms in Spain, Brittany, Holland; and 2 millions of pounds sterling are ready in the hands of his friends in England, where they only wait for the Pretender's order to begin a general insurrection as well in England as in Scotland; and it is assured that in Scotland almost every body is in the Pretender's interest and ready to rise on his first order. The landing must be executed when the English Squadrons shall be abroad, and in case that opportunity cannot be laid hold of, it must be done in winter time when the ships are laid up.[1]

Townshend MSS, 197

CHAPTER XII

MARRIAGE—CONVERSION

(July 1726-1727)

Death of the Duchess of Wharton—An offer of marriage made to th Duke—He falls in love with a Maid of Honour to the Queen c Spain, Miss O'Beirne—The lady returns his affection—The Quee of Spain refuses her consent—The subsequent negotiations narrate by the Marquis d'Argens—The Duke falls ill—The Queen relents- The marriage solemnised at Madrid—The Duke embraces th Roman Catholic faith—The conversion probably a condition c the marriage—An ill-service to the Jacobite cause—The new reaches England—Comments thereon by Dr Stratford and Georg Lockhart—Atterbury's anger with the Duke—Curll's couplet- A lampoon "A Vindication of the Duke of Wh—n's Answer t the Quaker's Letter"—The Duke and Duchess of Wharton visi the Pretender at Rome—James has lost faith in the Duke—H does not offer him further employment—The Duke resigns hi title of Duke of Wharton—He is frequently drunk and disorderly— With his Duchess he sails for Barcelona—Seeks and obtains per mission from Philip V. to assist at the siege of Gibraltar—Appointe aide-de-camp to the Count de Las Torres—He is given a comman —His foolhardy conduct probably inspired by drink—He i wounded in the foot—Retires to Madrid—Received by Philip V —Appointed Colonel-Aggregate of an Irish regiment in the Spanisl service—Indicted by the British Government for high treason— His "Reasons for Leaving his Native Country, and espousing th Cause of . . James III"—This manifesto published in England.

SOON after the Duke's arrival at Madrid he received the tidings that his Duchess had died on April 14 at her house in Gerrard Street, Soho. It is not to be supposed that he was greatly perturbed by this intelligence, since there had been a practical, if not a formal, separation; and this was the view taken at the time, for in a very short time it was rumoured that an English Duchess—

said to be Sarah, Duchess of Marlborough—had proposed that he should marry her granddaughter, who was possessed of an ample fortune in her own right. "I took the liberty to ask the Duke if there was any Foundation for such a Report," says the author of the biography of 1731. "He told me there was, but that the Fortune was to be so tied up, that he could have no Power over it; which I thought to be very discreet Management, considering his thoughtless Way of Living." The Duke may not have disputed the wisdom of the arrangement, but he had no doubt of its inconvenience from his point of view. Anyhow, he declined the offer, either for this reason or because about this time he fell in love with a Maid of Honour to the Queen of Spain. The lady, Maria Theresa O'Neill O'Beirne, the daughter of an Irishman who had died in exile, Henry O'Beirne, a Colonel in the Spanish service, by his wife Henrietta, daughter of Henry O'Neill, was described enthusiastically by the Marquis d'Argens as "not only very handsome, but a woman of lively wit, extreme good sense, and mistress of everything that could form the agreeable; nor was her virtue inferior to her charm." The Duke's affection was returned by Miss O'Beirne, and his offer of marriage accepted by her on condition that the consent of the Queen of Spain was obtained. This his Grace did not doubt would be forthcoming, but when her Majesty was approached in the matter, she refused to sanction the engagement on the ground that the suitor's means were entirely inadequate to his position. He had, as we know, but £1200 a year, and could only settle on his wife £500 a year pin-money that had been the allowance of his first Duchess chargeable on his property. In vain the Duke importuned the Queen for her consent; she was adamant The story is fancifully narrated by the Marquis d'Argens, who at this time was an intimate of the lover.

"'Are you in your Senses, my Lord?' (said she to the

Duke). 'Are you Master of Reflection, and yet sensible of the many Disadvantages that must accru you, from the Grant of your Request? Is it not absolu opposite both to your Interest, and future Establishn in Life?'

"He, in return, assur'd her, he could not be ha without Possession of CATHERINA, but this Declara was very little to the Purpose, for the Queen was nc be prevailed upon.

"'It is in vain' (says she) 'to insist. I will no accessary to your embarking in the inextricable fortunes which must ensue from my Consent They soon appear, when the Warmth of your Passion is coo when Reason resumes the Seat, whence she's now exclu by the Violence of Desire; and you will too late lan the irreparable Folly Are you not proscrib'd exiled? depriv'd of the Fortune necessary to support Lustre of your Family? And, can you tamely bea bestow your Name on a Woman, who has no For herself, and on whom you can settle nothing, but Pov and a Title? Ruminate on what I have said, you thank me for denying you, and allow that I'm Friend'

"This Discourse threw the Duke into absolute Desj From the Royal Presence he retir'd to the Lady, having inform'd her of his ill Success, and conjur'd to Constancy, he vow'd that neither Time nor Fc could ever tear her from his Heart. 'I am determi (added he) 'to conquer this Obstinance of the Qu provided you never prove false to me, or change; shall the most insurmountable Obstacles, deter me i my Pursuit.'

"CATHERINA, who really lov'd him, return'd his Att ment with Sincerity equal to his own; and consol'd the best in her Power; at last, these two Lovers resc privately to wed, in spite of all Obstacles, and deper

on their mutual Regard for Protection from every Accident.

" The Queen was all this while not to be mov'd ; she was deaf to the numberless Representations of the Duke's Friends, for he left nothing undone, that he imagin'd might influence her ; this destroying all his Grace's Hopes of Happiness, sunk so deeply on his Spirits, that he was reduc'd to the lowest ebb ; an intermitting Fever, attended with the heaviest Melancholy, bringing him almost to the Grave.

" The Account of his Situation was carry'd to the Queen, and it seem'd to touch her to the Soul. She sent him a Message, setting forth, that the News of his re-establish'd health would give her infinite Satisfaction ; and, that she desir'd to see him, the first favourable Opportunity

" He seized the Moment that seem'd to promise Alleviation to his Cares, which he imagin'd presented itself in this kind Embassy, and collecting all his little Force, hasten'd to Court, to throw himself at her Majesty's Feet ; and once more assure her, that Death was welcome, and inevitable, unless she graciously consented to join his and CATHERINA M——'s Hands, in the indissolvable Ties of Matrimony. ' From your Majesty's Lips,' (says he) ' I expect the Determination of my Fate ; Life or Death, (there is no Medium) depends upon your Words. If you continue inflexible, I have a ministring Hand, which shall assist in conveying me to that unknown Shore, *from whose bourn no Traveller returns.*'

" ' You have my Consent to marry the Lady,' (answer'd the Queen) ' but it is much against my Inclination ; and I have Reason to fear you will, one Day, repent of the Rashness of the Action ' " [1]

The Duke, always the creature of his emotions, re-

[1] *Memoirs of the Count du Beauval*, 61-4

covered his health without delay, and on July 26 marriage was solemnised at Madrid.

Without impugning the accuracy of the Mar d'Argens' account of the Queen of Spain's opposi to the alliance between the Duke and her Maid of Hon it is possible to suggest a further reason for her Majes reluctance to give her consent when it was first deman The Duke's financial position certainly was not suc to make him an eligible *parti*, and the Queen may have thought that the beautiful girl might do better t become the wife of a discredited impoverished En nobleman, even though of the highest rank. There however, a much more serious obstacle than the mone one. The Duke was a Protestant, Miss O'Beirn Roman Catholic, and mixed marriages were not favour regarded. In his letter to his sister Lady Jane H June 17, 1726, the Duke stated his determinatio adhere to the religion of his fathers. In the Br Museum there is an account, in manuscript, of his ex ination by a Member of the Inquisition on his renun tion of the Protestant faith.[1] The cause of the conver is surely not far to seek. That it was the result of religious conviction can scarcely be believed. A does not in a fortnight change his faith as the resul conscientious enquiry. If he does so, and it hap that this change brings about something else that ardently desires, he must not resent being looked u with suspicion. The Duke entered the Roman Cath Church early in July, the Queen withdrew her opposi to the marriage after this event took place, and marriage ceremony was performed shortly after. T can scarcely be a doubt as to the reason for the Du speedy conversion from one faith to another.

It has been suggested that the Duke became a Ro Catholic to please the Pretender. Nothing could

[1] *Egerton MSS.*, 1509 f. 384.

further from the truth. If that had been his object he would have consulted James or some of James's advisers. This certainly was not the case. Had he told the Pretender or his advisers, they would have begged him not to carry out his intention. The greatest difficulty which confronted James in his designs upon the British crown was the fixed belief that if he ever ascended the throne he would endeavour to make Roman Catholicism the religion of the State. It was to remove the conviction it was only by adopting this faith the confidence of the Prince could be secured, that Atterbury had for years laboured. He had remained true to the Protestant faith; he had again and again urged those who wavered to adhere to the Church of England; he had even quarrelled with the Duke of Berwick, who proposed to give a Roman Catholic preceptor to the young Duke of Buckingham; but now all the good he had done in this direction was more than counterbalanced by the conversion, first, of Lord North and Grey, and then of the Duke of Wharton. Nothing could have been more prejudicial to the Pretender, for, of course, it was to his influence that the conversion was attributed. It was one of the most severe blows that was dealt at this time to the Jacobite cause.

The news seems to have reached England late in July.

Dr William Stratford to Lord Harley

July 29, 1727.

What a stupid part has North and Grey acted. Do he and Wharton think they serve the cause they espouse by their worthy conversions? Were I on that side, I should look on them as hired to do what they do. But it is of a piece with most of the politics of that party.[1]

[1] *Portland MSS.*, VII. 442

George Lockhart, of Carnworth, to the Pretender

August 8, 17:

Our news papers relate 2 pieces of news which very contradictory, viz, that the Prince of Wal become a Protestant, and the Duke of Wharton a Pa The first every body laughs at; as to the other, enimys say it is, and your friends fear it may be, and if so I'le venture to say he has done you more service than ever it was or will be in his powr to re I should be glad he were truely become a Christia any Church, but if, as most people believe, thers not of religion in it, nay supposing it were otherwise, he has timed it very ill, for such steps in any about or declaring for you, under the present situation of af does you and your cause no small prejudice.[1]

Francis Atterbury to the Pretender

[PARIS], *September* 2, 17:

. . . The strange turn taken by Offield [Duke Wharton] gave me such mortifying impressions, th have foreborne for some posts to mention him at and had not you in yours of August 14 spoken large his conduct, I should still have continued silent on article: for, as I cannot any ways approve it, so ne do I care to speak of it as I ought, when it is to no pur and the matter is beyond all remedy.

You say, Sir, he advised but with few of his fri in this matter. I am of opinion he advised with r nor do I hear of a single person concerned in the a who could reasonably bear that name. Sure I whoever gave him such advice, if any body gave it, c not be his friend It is easy to suppose you were surprised and concerned at the account when it reached Rome, since it is impossible you should be so; the ill consequences are so many, so great, so evident, I am not only afflicted but bewildered v

[1] *Lockhart Papers*, i. 302

I think of them. The mischief of one thing you mention is, that he will scarce be believed in what he shall say on that occasion, so low will his credit have sunk, nor be able effectually to stop the mouth of malice by any after declarations. It is with pleasure however I read your account of Mercer's [the King's] last directions to him relating to Dexby [Flanders], &c. They seem to me extremely just and proper in many respects, and I hope will find him in a disposition to close with them, whatever he may have written and wished to the contrary You imagine, I find, Mader [King of Spain] may have a hand in this turn. I much question it, and methinks the treatment since, if I am rightly informed, proves that point but too clearly. I would to God I could find out any one person in the world he had pleased, that was worth pleasing! for I am touched by his misfortunes, sensibly touched, and afraid lest, upon due reflection, he should sink under the weight of them. For which reason perhaps Mercer [the King] will consider his case with an equal mixture of wisdom and tenderness, and afford him so much countenance and support as is consistent with his own great interest and the measures necessary to be observed with relation to it.

The great abilities of Offield [Duke of Wharton] are past dispute. He alone could render them less useful than they might have been. . .[1]

If such stalwart adherents of the Pretender as Atterbury and Lockhart deplored the step the Duke had taken, it may be imagined with what glee the news was received by those who were on the other side, and more than one set of verses was circulated attacking the notorious convert and the Prince who was supposed to have urged him to take that step.

[1] Mahon: *History of England*, II. xxix

ON THE DUKE OF WHARTON'S RENOUNCING THI PROTESTANT RELIGION

BY E. CURLL, LATE BOOKSELLER

"A *Whig* he was bred, but at length is turn'd *Papist*,
Pray God the next Remove be not an *Atheist*.
N.B.—To believe *every Thing* and *Nothing* is much the same

A VINDICATION OF THE DUKE OF WH——N'S ANSWER TO THE QUAKER'S LETTER

I

Pray isn't it queer
That a wild Peer,
So known for rakish Tricks,
That *Wharton* shou'd
At last be Good,
And kiss a *Crucifix*?

II

I needs must call
It Wond'rous all
That he who spurn'd the Creed,
Shou'd grow Devout
And tack About,
At *Penannce* in *Madrid*!

III

What less cou'd He
Than thus agree,
With *Chevalier divino*?
Who gave Him Two
Brave Titles New,
Tho' He cou'dn't make Him dine, Oh.

IV

This *Duke* is then
Duk'd o're again,
And Glorious shines his Garter!
What Honours more
Has Fate in store,
E're Tyburn dubbs him Martyr.

V

Old *Thomas* rise,
And if you've Eyes
To light you thro' the Shades,
See, see your Son
How he has run
From Beggary to Beads!

VI

'Mong Jilts and Lasses
Of all Classes
When all was Spent and Gone,
Oh! then He Mourn'd
Beseech'd and turn'd
To Her of Babylon!

VII

And have you not
Old gracious Trot,
One Donna right and bright,
That might solace
In such a Case
The Conscience of your Knight?

VIII

Our *Chevalier*
Is now so bare
He hasn't to give alms,
Then, Mother, take
For Jemmy's sake
Some care of *Wharton's* Qualms.

IX

No sooner sought
But out was brought
An *Abigal* of rank
And so he play'd
With this same Maid
A Second silly Prank.

X

He took the Lass
As he took to Mass,
All in an errant Whim,
And did dispence
With Marriage-pence
As she dispenc'd with Him.

XI

Was nothing given?
—Th' affair was even;
He settled nothing on Her,
But He's a Peer
Of Honour rare,
And she's a Dame of Honour.[1]

The Duke continued to correspond with the Pretender, even when his mission as Envoy was concluded; but

[1] *B.M.*, 839 m. 23.

it seems, to judge from the following correspondence, that it was not easy to communicate direct with the Prince.

The Duke of Wharton to Cardinal F. A. Gualterio

De Madrid, *ce* 13*me de Juillet* 1726.

Mon Seigneur,

Quoyque je n'aye pas l'honneur d'estre connu personallement de Vostre Eminence cependant sachant le zel quelle a pour le Service du Roy d'Angleterre, mon Maitre, j'ose prendre la liberté de la supplier de rendre la lettre que je me donne l'honneur de luy envoyer dans les Mains propres de Sa Majesté et de supplier S M. de la lire avant que d'avertir aucun de ses Sujets qu'il la raceu. Je demande mille Pardons de la hardiesse que je prend mais j'espere que Vostre Eminence aura la bonte de m'excuser et de me Croire

Monseigneur,
De Vostre Eminence,
Le tres Humble et tres Obeissant Serviteur,
Le Duc de Wharton.[1]

The Duke of Wharton to Cardinal F. A. Gualterio

De Madrid, *ce* 15*me de Juillet* 1726.

Monseigneur,

La Lettre de V Emce me couvre tant de Confusion qu'il ne me reste plus à dire que je serai toujours reconnoissant des bontes de V. E. et toujours devoué jusques au dernier moment de ma Vie a Son Service. Elle n'a qu'a me commander et j'espère qu'elle me croira

Monseigneur,
De Vostre Eminence
Le très Humble et
tres Obeissant Serviteur
Le Duc de Wharton.

P S.—J'ose Esperer que V.E. donnera cette Lettre au Comte d'Invernesse [2]

[1] B.M. *Add. MSS.*, 20310 f. 380. [2] B M. *Add MSS.*, 20310 f 381.

After this marriage the Duke and Duchess of Wha went to Rome to visit the Pretender, who received t kindly; but, having lost faith in the value of the Du services, did not offer him further employment, though, as a further proof of his loyalty to the Jacc cause, his Grace renounced the title of Duke of Whart

Whereas I have receiv'd a Patent from the Pe who stiles himself King of England by the Stile of Ge to be Duke of Wharton in the County of Westmorel I do hereby resign for my self my heirs and succes the said Title to David Dumbar Esq ; and Desire Mrs Justice Denton, Thomas Gibson, John Jacob Robert Jacom, in whose custody my Papers are deliver the said Patent to the said David Dumbar, E and to make an Entry of this my resignation in Proper Offices relating thereto. October y^e^ 12^th^ 1726.

WHARTO

Sign'd Seal'd & Deliver'd
in the Presence of
Fran : Stratford
James Toole
C Burton.[1]

It was not, indeed, his loyalty to the Pretender t was in question at this time, but his general cond "For a while he maintain'd himself in high favour th [at Rome]," the biographer of 1731 wrote; "but as could not always keep within the bounds of *Ita* Gravity, and having no employment to divert and am his over-active Temper, he ran into his usual Excess which being taken amiss there, without actually fal into Disgrace, it was thought advisable that the D should remove from that City for the present."[2] A an interval of nearly two hundred years this may summarised bluntly; the Duke, being continu

[1] B.M. *Add. MSS.*, 36136 f. 163
[2] *Memoir of the Duke of Wharton*, 20.

drunk and disorderly, was given a strong hint that if he did not of his own free will leave Rome he would be ordered to go. Thus urged, the Duke took leave of his master, and, accompanied by his wife, sailed for Barcelona.

There, he heard that the Spanish government was making preparations for a siege of Gibraltar, and in this he saw for himself an avenue for a new experience and a fresh excitement He wrote to the King of Spain, expressing a wish to take arms in his Majesty's service, and begged for permission to assist as a volunteer in the campaign. Philip accepted his offer, and without delay the Duke reported himself to the Commander-in-Chief, Count de Las Torres. Count de Las Torres, who bragged that in six weeks after operations began the Spanish flag would be planted on the rock of Gibraltar and the heretics driven into the sea, appointed the Duke one of the aide-de-camps on the headquarters staff. The amateur soldier, out of consideration for his rank, was chosen for the command of one of the Spanish outworks, but it so happened that there he was unmolested by the enemy. "Our new soldier," so runs a contemporary account, "mis'd an Opportunity of gaining a little Honour, and perhaps gaining a little Experience in the Trade he had lately taken up. There was a Fort on the Spanish Side of the Bay, which prov'd of great Use to the Besiegers, as it was a security for the passing of all the *Spanish* Barks with Stones, Fascines, and other Materials and Utensils for carrying on the Works, with which, as there were always several *English* Men of War, the *Spaniards* would have been much strengthen'd; for their Lines stood in need of continual Reparations This was observed by the *English* Commodore, and it could not be otherwise, as they pass'd every Day in Sight of the Ships: Therefore, in order to cut off this cover, a Maritime Counsel of War was call'd, wherein it was resolv'd to take or destroy the Fort; in pursuance

whereof, two of the Ships design'd for that Ser weigh'd and stood to shore towards the Place. Mohea was perceived by the Enemy, and they t Measures for reinforcing the small Garrison within and in respect to the Quality of the Duke of *Wha* he was complimented with the Command. But it hap ing to fall Calm, and a Current setting out, the S could not get over to their Station, so they were obl to give it over for that Time, and they came to an An again. And, for what Reason I can't tell, it was n more attempted." [1]

No other chance of distinction during the siege offe itself to the Duke, who, however, was by all admi to have shown himself possessed of courage. It customary to say that he was not a brave man, an support of this contention it is asserted that he laug at his want of heroism, because in a song he made u his being seized by the guards in St James's Park singing the Jacobite air, "The King shall have his again," he wrote :—

> "The Duke he drew out half his sword,
> The Guard drew out the rest."

The commentators interpret this as meaning that could not bring himself to unsheath the weapon, there are two other interpretations either of which more convincing. One is that he realised the absurd or the iniquity, of attacking the guards for doing t duty; the other that before he could realise his sw from the scabbard, he was overpowered and disarm Further, it is said, that he did not always accept vitations to a duel. In defence of this, it may be that if he had held himself liable to fight for all ridiculous things he did and said when he was dru

[1] *Memoirs of Philip, Duke of Wharton* (1732), 21.

his life during the years he was upon the town would not have been worth twenty-four hours purchase.

It must, on the other hand, be admitted that such courage as he showed during the siege of Gibraltar was so foolhardy that the suspicion it was inspired by excess of strong drink cannot be dismissed. According to an oft-told story, one day he went right up to the walls of the British fortifications, was challenged by the sentries, and gave his name: whereupon the soldiers, being far from desirous to kill a madcap nobleman of their own nation, held their fire, and suffered him to return uninjured to the trenches. This story, which has a substratum of truth, requires modification The incident as it occurred is narrated in an unsigned letter written on May 16, 1727, from the camp before Gibraltar. "The day before yesterday," says the anonymous scribe, "the Duke of Wharton insisted on going to a Battery to show his Garter-Riband, crying out a thousand times, 'Long live the Pretender,' and using a quantity of bad language They represented to him repeatedly that he ought to withdraw, but he refused to do so. At last he was struck by a piece of a shell on the toe He had been drinking brandy, otherwise perhaps he would have been wiser." [1]

The Duke, who had been sadly bored by the monotony of life in the trenches during the ineffectual siege, may have welcomed what proved to be but a slight wound, for, since it prevented him from doing military duty, he was enabled to go to Madrid. There he was received by the King, and his Majesty, congratulating him upon his prowess during the campaign, appointed him Colonel-Aggregate to the Irish regiment, Hibernia, commanded by the Marquis de Castelar.

The Duke had served against his country, at the siege, not, it may be contended, strange as it may seem, with

[1] *Townshend MSS.*, 199

any idea of committing, or intention to commit, h treason. He had taken arms merely as a frolic, in spirit of the soldier of fortune He was much dismay therefore, when he learnt that in England his actions w not interpreted in this light, and still more perturl when he received the intelligence that the Governm proposed to indict him for high treason in that he h appeared in arms before, and had fired off cannon agai his Majesty's town of Gibraltar. Thereupon, he compos and published, the manifesto, to the idea of which he h alluded in his letter of June 17, 1726, to his sister, La Jane Holt.

THE DUKE OF WHARTON'S REASONS FOR LEAVI HIS NATIVE COUNTRY, AND ESPOUSING T CAUSES OF HIS ROYAL MAJESTY KING JAMES IN A LETTER TO HIS FRIENDS IN GREAT BRITA AND IRELAND.

Friends, Countrymen, and Fellow-Citizens,

I Esteem it a Duty incumbent upon me, to acquaint y with the Reasons that have induced me to espouse Cause of my Royal Master King James the Third, a to dedicate the Remainder of my Life to His Servi and the Prosperity of the Royal Family.

THE Proceedings begun against me in *England*, a the partial Severity of those in whose Hands I left Management of my Estate, renders it necessary for to publish the Motives of my Actions, in order to justified from the scandalous Aspersions of my Enem who would cast the most odious and ridiculous Colo upon every Part of my Conduct, and represent the Dicta of Honour and Conscience, as the effects of Rashn and Folly.

I shall begin with expressing the greatest Regard the Memory of the best of Fathers. I have endeavou

to model my Life according to the Principles he gave me, as the unerring Guides to direct my Steps in every publick as well as private Action. He taught me those Notions of Government that tend to the preserving of Liberty in its greatest Purity When he extolled the Blessings of the unfortunate Revolution of Sixteen hundred and eighty eight, he represented Triennial Parliaments as the greatest Bulwark against Tyranny and arbitrary Power The being freed from the Danger of a standing Army in Time of Peace, was esteemed by him as a Blessing the Prince of *Orange* had introduced among us The Security of the Church of *England*, the Liberty of the Press, and the condemning the Right of the dispensing Power of the Crown, were other Assignments that he used to employ in order to justify the dethroning his late Majesty

IMBUED with these Principles I entered upon the Stage of Life, when I soon beheld the Triennial Act repelled, standing Armies and martial Law established by Authority of Parliament, the Convocation of the Clergy prevented from meeting, the orthodox Members of the Church discouraged, Schism, Ignorance and Atheism become the only Recommendations to Ecclesiastical Benefices; both Houses filled with the corrupt Tools of the Court, the Nation overwhelmed with exorbitant Taxes, the Honour and Treasure of England sacrificed to enlarge the Dominions of *Hanover*, and *German* beggarly favourites trampling on the ancient Nobility, the Act of Limitation disregarded, the Liberty of the Press abolished, and the Constitution of *England* thrown into the Mould of Corruption, to be modelled according to arbitrary Pleasure and Usurpation. When I reflected upon these dreadful Scenes, I saw the Reasons which my Father gave for the Support of the Hanoverian Succession fall to the Ground, and those who follow the Maxims of the *Old Whigs* are obliged to resist such destructive Tyranny, unless they forget their Principles, and grow obdurate in Guilt, and tenacious of Iniquity. Fired with Indignation, I resolved to follow my Father's Example, and endeavour to stem the Torrent of Misery I turned my Thoughts upon the

King, as to the most natural Deliverer from for
Tyranny, the great Care that had been taken by
Governors to terrify me from the Idea of a Restora
by the most false and scandalous Reflections that
cast upon his Majesty's Person and Intentions, d
mined me to wait upon the King before I would em
in the royal Cause. The King was just returned fron
dangerous Expedition into *Scotland*, which his Ma
had undertaken contrary to the Advice of his Subj
who seeing the Hopes of a Restoration destroyed at
Time by the ill Success of the *Jacobites* at *Preston*
Dumblain, and by other concurring Circumsta
would have deterred his Majesty from unnecess
exposing his Royal Person, but the King, notwithstan
their Remonstrances, embarked on Board a small Fis
Boat, attended only by two Servants, and passing thr
the Midst of the *English* Fleet that lay prepared to inter
him, landed in *Scotland*, which was certainly shewing
greatest Contempt of Danger, especially, when the Cri
of the *English* Government, actuated by regicide Princi
had extended itself so far, as to set a Hundred thou
Pounds Price upon his royal Head I accordingly
the Year 1716 had the Honour to be introduced to
Majesty at *Avignon*; I was struck with a becoming
when I beheld hereditary Right shining in every Fea
of his Countenance, and the Politeness of his Educa
illustrating the Majesty of his Person. How char
was I, when I heard the Purity of *English* Lang
flowing from his Majesty, warmly expressing the S
ments of a *True Briton* I was surprised to find
pointing out each particular Misfortune that Usurpa
had introduced into his native Country, and thus
venting me from enumerating the long Catalogu
Calamities that I had prepared to be the Subject of
melancholly Story. Throughout his Majesty's w
Discourse, he appeared rather like a Patriot wee
over the Ruins of his Country, than an injured e
Monarch lamenting his private Wrongs. His Resolut
to preserve inviolably the established Church of *Engl*
his just Sense of the Necessity of frequent Parliam
his generous Desire of freeing his Subjects from

unnecessary Burden of Taxes, his Abhorrence of the Corruption, his Detestation of Tyranny, and his determined Design to hazard his royal Person on every Occasion that should offer, to rescue his People from Destruction, attached me so strongly and sincerely to his Majesty's Person and Cause, that I hope my loyalty, which shall be my Companion to the Grave, will be the Characteristick to distinguish my Memory.

SINCE that happy Interview with the King, I have directed all my Thoughts to his Majesty's Service; and, however the Circumstances, as appears, rendered it necessary for me to temporize with the Government, yet, even then I was labouring to serve the royal Cause, which is a Truth very well known to many Persons.

THE despotick Government of *England* yearly furnishes us with fresh Scenes of Cruelty and Tyranny. The wicked *South-Sea* Schemes will be remembered by the latest Posterity, and the King shewed such an Abhorrence of that destructive and corrupt Project, that when the famous Mr *Knight* came to *Rome*, where his Majesty then resided, he was ordered to depart that City in twenty-four Hours Time.

THE forging of a Plot to destroy the Bishop of *Rochester*, and the supporting of it by Bribery and Perjury, is a Fact that has clearly appeared to the whole World, and the best Friends of the Usurpation are themselves ashamed of the illegal Proceedings against that reverend Prelate

THE King was so sensible of the Consequences of this Proceeding, that when I had the Honour of seeing his Majesty near three years ago, he was graciously pleased to shew the utmost Concern to see the undoubted Rights of the Common Council sacrificed to the Fury of Faction and Rebellion. He expresses a fatherly Tenderness for his good Citizens of *London*. He lamented the Decay of their Trade, occasioned by the unnecessary Disputes in which *England* was involved with other Powers out of

German Views: He gratefully remembered their Loyalty to his royal Uncle, and said, That whenever it should please GOD to restore him to the Throne of his Ancestors, the Prosperity of the Citizens of *London* should be his peculiar Care. He declared, that the restoring of their Charter to its primitive Lustre should be the Earnest he will give them of his sincere Resolution to maintain and protect them.

OUR present Governors, by their foreign Negotiations, have rendred *Great Britain* the Scoff of *Europe*, the Measures they have pursued have impoverished the Nation by their exorbitant Taxes. And, instead of holding the Balance of Power in their Hands, they are induced meanly to implore the Protection of their Neighbours, at the Expence of the Treasure, Trade and Interest of *England.*

THE Barbarity and Severity which the present Ministers illegally exercise to destroy the Liberty of the Press deserves the Attention of every British Subject; conscious of their own Guilt, they would willingly screen themselves from the Rage of the People, by keeping them in Ignorance and, growing Bankrupts in Politicks, would endeavour to support their sinking Credit by pompous Speeches from the Throne, and servile Addresses of their Parliamentary Pensioners.

THEY know, that should the fatal Wounds they have made in the Constitution be probed to the Bottom, and exposed to publick View, the old *English* Spirit would no longer bear their ignominious Sway. They consider that, should the Loyalty of the three Kingdoms, the Weakness of the *Hanoverian* Faction, and the present State of our publick Debts be set in a proper Light, and shewn to the whole World, foreign Princes would scorn their impotent Alliance. To conceal Truth is therefore become necessary to support them in their *German* Succession; and consequently be their usual Maxim Those who print any Thing contrary to their Inclinatio

must be persecuted and destroyed. The Laws of the Land are disregarded when they afford Protection to the Channels of Truth, and a Crew of Messengers are made the Instruments of their Fury, to plunder the House, and arbitrarily imprison the Servants of any Printer who has incurred their Displeasure, as has lately been the Case of Mr *Mist* To enumerate all the Acts of Tyranny, Avarice and Cruelty, that have distinguished the former Reign, and ushered in the present, becomes unnecessary in this Letter, for you but too heavily feel the Weight of the intolerable Yoke of foreign Usurpation I could not bear to be any longer an unfortunate Spectator of the Miseries of my Country, and accordingly I withdrew from it near four Years ago. I scorned to keep my Seat in a Parliament where Bribery had more Weight than Truth, and where Corruption triumphed over Eloquence. I have endeavoured, during my Travels, to serve my King and my Country to the best of my Power, and, I flatter myself, to his Majesty's Satisfaction. The King of *Spain* most generously offered me his royal Protection; and, when the Siege of *Gibraltar* was undertaken, I was unwilling to lose an Opportunity of learning something of the Art of War, that I might know myself able to draw my Sword in Defence of the King's undoubted Right, and the Liberty of *Old England*, whenever the glorious Occasion should offer. It was with that single View, that I served the last Campaign, and the Government of *England* have taken it as a Pretence to ground an Accusation against me.

I have now laid before you the principal Reasons that have determined me to attach myself entirely to his Majesty's Service, and that of the Royal Family. It is with Pleasure I have seen the Hopes of the future Prosperity of *Old England* flourishing in their Royal Highnesses the Prince of *Wales* and Duke of *York*. These Princes are admired by all that approach them; and the King's chief Care in the Course of their Education, is to instruct them fully in the Maxims of Government, that are necessary to make a Monarch happy, who reigns over a free and trading Nation.

THE severest Frowns of Fortune, in the cruel ungratef Manner in which I am treated by a Set of Men whom m Father dragged from Obscurity, shall never be able deter me from pursuing the King's Interest with Steadine and Perseverance. When I consider his Majesty as m undoubted lawful Sovereign, Duty inforces my Loyalt and claims my Obedience. When I call to mind h glorious Ancestors, whose Bounty raised my Family the Dignity of Peerage, Gratitude demands my Zeal f the Prosperity of the Royal Descendants And when reflect on the generous Dispositions that adorn the King Mind, his Majesty seems to be painted out by Providenc to free us from Usurpation and Tyranny, and to resto our Constitution to its primitive Glory.

HOW happy we are to see the Necessity of all Parti uniting to effect the Work of a Restoration? Th *Tories*, according to their ancient Principles, are oblig to maintain and support hereditary Right; and th *Whigs*, unless they scandalously depart from the Maxim of their Predecessors, are bound by their Consciences resist arbitrary Power, in whatsoever shape it appear tho' coloured with the specious Gloss of Parliamentar Authority, like the Tyranny of the *Roman* Emperor who deluded the People, preserved the Forms of republica Government. The *Whigs*, I say, are bound to draw the Swords against these upstart Creatures, who have so our Liberty, plundered our Properties, and violate *Magna Charta* in many flagrant Instances. And sure the Restoration is the only Means left them to lay a sol Foundation for the future Freedom and Happiness *England*. The Patriot Virtues that shine in the King Character will render his Majesty's Administration th Channel of Liberty and Plenty Let us therefore, wi unwearied Zeal, labour to support the Cause of our Kin and Country, and to shake off the ignominious Load foreign Fetters.

WHARTON.[1]

[1] B.M., C. 38 g 14.

CHAPTER XIII

OVERTURES TO THE BRITISH GOVERNMENT

(1728)

The Duke obtains indefinite leave of absence from his regiment—He proposes to visit the Pretender at Parma—James reluctant to receive him—He is utterly convinced of the Duke's unreliability—He grants him an audience—The Duke defends himself in a letter to the Pretender—He is offered no further employment by the Prince—He is hurt by what he considers James's ingratitude to him—He decides to make overtures for reconciliation to the British Government—His letter to Horatio Walpole, British Ambassador at Paris—He goes to Paris—Walpole receives him—An account of the interview—The Duke's plea for pardon—After visiting the Embassy, he dines with Atterbury—He feels sure of his overtures being accepted—Correspondence concerning the Duke between Sir Robert Walpole, Lord Townshend, the Duke of Newcastle and Horatio Walpole—The Duke is informed that he must make absolute submission—Although assured he may safely do so, he refuses—His pride aroused—He again embraces the Jacobite cause—He goes to Dieppe—Atterbury declines to have further relations with him—Nathaniel Mist and his "Weekly Journal"—The Duke at Rouen—He contributes a lampoon to "Mist's Journal"—A Government Prosecution.

THAT a man so volatile as the Duke of Wharton should at the age of nine-and-twenty settle down as a regimental officer was, of course, not to be expected; and his first step after receiving his commission was to apply for indefinite leave of absence, which was at once granted. He now wrote to the Pretender, expressing his intention to visit him at Parma, and hinting a desire to settle at his Court. James received this intelligence with something akin to dismay. He had by this time been con-

vinced of the utter unreliability of this adherent, who was so much more dangerous to the cause he espoused than to the cause against which he set himself. Vienna first, and then Madrid, had doubtless expressed its astonishment at the want of common sense shown by those who entrusted his Grace with the conduct of delicate negotiations, and, awakened at last to the folly of which he had been guilty, the Pretender decided to have no more to do with his irresponsible supporter, who in every position to which he had been appointed had done more harm than good. He, therefore, informed the Duke that he could not approve of all his actions, he blamed him especially for having taken arms against his countrymen in the service of a foreign power, and even went so far as to advise him to draw nearer to England, so that he might the better put his affairs in order, and take care of his estates. The Duke, it may well be believed, thought there must be a misunderstanding, and again asked for an interview. This time his request was granted, and the Duke went to Parma in May.

The Duke of Wharton to the Pretender

PARMA, *May* 21, 1728.

. . . The transport I felt at the sight of your Majesty prevented me from recollecting many things which I had proposed to have humbly laid before you; most of which were rendered useless by your Majesty's gracious manner of receiving me.

Your Majesty's goodness in writing to the King of Spain, and the Duke of Ormond will, I hope, screen me from the reflections which will be cast upon me by some gentlemen who brand my zeal with the name of madness, and adorn their own indolence with the pompous title of discretion; and who, without your Majesty's gracious interposition, will never comprehend that obedience is true loyalty.[1]

[1] Mahon: *History of England*, II xxxvi

Though from the above letter it can be seen that the interview was amicable, and that the men parted on good terms, the Duke had been unable to extract any promise of future employment, but, on the other hand, had received a very positive refusal to his request for permission to reside at the Court. He was much surprised by the attitude of the Pretender, for, as is always the case with men of his temperament, he never dreamt that it was in any degree occasioned by his own conduct. The more he thought about the way in which he was, so to speak, removed from the active list, the more disgusted he became with what he considered the want of gratitude shown by the master for whom, in his own opinion, he had sacrificed so much. He left Italy, and went to Lyons. There another blow awaited him. He received the news that he had been formally indicted for high treason. This he could scarcely believe, for, though he had been warned that such proceedings would be taken, he had hitherto been treated with so much leniency by the British Government, that it does not seem to have occurred to him that they would actually make such a drastic move.

He had now indeed fallen between the two stools, and it behoved him, since his position was most uncomfortable, to get up and take a seat on one or the other. His choice was not difficult, for it was clear that the Pretender did not wish to have anything more to do with him. He could only, therefore, endeavour to make friends with the authorities at home, and, with this object in view, he wrote to Horatio Walpole, the British Ambassador at Paris. In the letter addressed to that dignitary, it is amusing to read the Duke's plea that since the accession of George II. to the throne he had "absolutely refused to be concerned with the Pretender or any of his affairs," since, in the first place, that King had only succeeded to the throne on June 11, 1727, and, in the second place,

it was only a few weeks since the Duke in person had assured James of his loyalty to the Jacobite cause.

The Duke of Wharton to Horatio Walpole

LYONS, *June* 28, N S., 1728.

SIR,

Your Excellency will be surpriz'd to receive a letter from me, but the clemency with which the Government of England has treated me (which is in a great measure owing to your Brother's regard to my Father's memory) makes me hope that you will give me leave to express my gratitude for it.

Since His Present Majesty's accession to the Throne, I have absolutely refus'd to be concerned with the Pretender or any of his affairs, and during my stay in Italy have behav'd myself in a manner that Dr Peters, Mr Godolphin, and Mr Mils can declare to be consistent with my duty to the Present King I was forc'd to go to Italy in order to get out of Spain, where if my true design had been known, I should have been treated a little severely.

I am coming to Paris to put myself intirely under your Excellency's protection, and hope that Sir Robert Walpole's good nature will prompt him to save a Family, which his generosity induct him to spare. If your Excellency would permitt to me to wait upon [you] for an hour I am certain you would be convinct of the sincerity of my repentance for my former madness, and would become an advocate with his Majesty to grant me his most Gracious Pardon, which it is my comfort I shall never be required to purchase by any step unworthy of a man of Honour.

I do not intend, in case of the King's allowing me to pass the Evening of my days under the shaddow of His Royal Protection, to see England for some Years, but shall remain in France or Germany as my Friends shall advise and injoy Country Sports till all former storys are buried in oblivion.

I beg of your Excellency to let me receive your Orders

at Paris, which I will send to your hostel to receive. The Dutchess of Wharton, who is with me, desires leave to wait on Mrs Walpole, if you think proper.[1]

Horatio Walpole's reply to the Duke has not been preserved, but it is stated that he wrote very civilly, that he should be pleased to see his Grace at his own time if it was a public visit, and that if it was a private visit they must make an appointment at an hour convenient to them both.[2]

Horatio Walpole to the Duke of Newcastle

PARIS, *July* 6, 1728.

MY LORD,

Yesterday about noon, while I was engaged with some company in my own house, my page brought me word, that there was a servant at the door, who desired to know, when a gentleman, who was lately arrived from Lyons, and had something in particular to say to me, might see me. I appointed him to come this morning at eight o'clock, at which time the Duke of Wharton made me a visit, and introduced himself by telling me, that he could not sufficiently express his gratitude for the great goodness and clemency of the government of England, in not proceeding against him with that severity, which his behaviour had deserved; which he was persuaded proceeded from a regard to his father's memory. That he could sincerely assure me, that he had not been any ways concerned in the interest or service of the Pretender, nor with any person that belonged to him, for some months before the death of his late Majesty, or ever since his present Majesty's succession to the crown That he had indeed lately passed through Parma, where the Pretender and several of his adherents were with him, but that he had industriously avoided to speak with any of them, keeping constantly company with those English that are known

[1] *Weston-Underwood MSS.*, 240.

[2] *Memoir of Philip, Duke of Wharton* (1731), 25

to be well affected to his Majesty's Government. That he was now determined to fling himself at the King's feet, to implore his mercy, pardon, and protection; having taken a fixed resolution to behave himself as a faithfull subject to his Majesty for the remainder of his life, and should retire to such place, and continue there for such time as his Majesty should think fit, without being at all concerned in any affairs, with much more to the same effect; which he expressed with that eloquence, which is so natural to him; accompanying his declaration with the most solemn protestations of a constant fidelity to his Majesty's person and government, and desiring that I would lay before the King what he had said, and support it with my interest and credit for obtaining his Majesty's grace and forgiveness; intimating to me, that he was ready to make his submission to his Majesty, in a letter that he would write himself to the King for that purpose.

I told the Duke of Wharton that I could make him no other answer to this solemn declaration, considering the notoriety of his actions, than that if he expected I should as a minister say any thing to the King about him, I must desire he would give it me in writing, and I would not fail, on account of his great quality, and of his being still a peer of Great Britain, to transmit it to your Grace, for his Majesty's commands upon it. But I could not help asking him, what security he could give for a more settled and regular behaviour, considering the constant variety of contradictions in his life, both in religion and politicks, for so many years. To which indeed he had little to say, besides the assurances of becoming entirely a new man, and of proving it by his future behaviour; that he was ready to let me know anything with regard to the Pretender, as far as was consistent with his honour, in not betraying or doing the least harm to any person that had been concerned with him; and spoke of the late Bishop of Rochester on this occasion, with some regard, to whom he was resolved to return some original papers, that he might be convinced that he would not have it even in his power to hurt him.

He then gave me by fits, and in a rambling way, that

was entertaining enough, an account of several of his late motions and actions, while he was in the Pretender's service, and particularly in Spain, with which it is unnecessary, and of no service, to trouble your Grace at present. And he concluded with telling me, that he would go to his lodgings, which were in a garret, where the Duchess of Wharton was likewise with him, and would write me a letter; and immediately without making the least stay or appearance here, retire to Rouen in Normandy, and there expect my answer, after I shall have given an account of him to England. But before he left me, he asked me my opinion as a friend, whether he should immediately resign the King of Spain's commission as an officer in his army; I civilly declined to give him my advice one way or other in it. Upon my return this evening from Versailles, I found a letter from his Grace, of which the enclosed is a copy.

The Duke of Wharton told me in confirmation of what Mr Allen wrote lately about the Pretender at Parma, that the Duke of Parma, upon the Pretender's arrival there, sent him his own guards to attend him, visited him both at the place where he was lodged, as well as in the boxes at the opera, gave him the rank, and publickly treated him in every respect as King of Great Britain; and particularly, that when the Duke of Wharton took his leave of the Duke of Parma at the opera, having first let him know, that he could not come into the box where his Highness was, on the account of a certain person being there, meaning the Pretender, the Duke of Parma came out of the box to him, and took an occasion to say, that he did not fear the English; for their fleet could not come to him at Parma.'

[*Enclosure*]

The Duke of Wharton to Horatio Walpole

July 6, 1728.

SIR,

The friendship which your Excellency has always had for my family, makes me hope that you will not decline to become an advocate in my favour with

the King, that his Majesty may be graciously pleas'd to allow me the honour imploring his royal pardon for my past conduct, and that in order to it, his Majesty will permit me to make him an humble tender of my duty in a letter, in which I may have an opportunity of expressing the real sentiments of my heart, and my unalterable resolution to pass the remainder of my days as it becomes a dutiful subject, who has allready received the strongest proofs of his Majesty's great clemency, and who is consequently tied to his duty by gratitude as well as inclination. I shall esteem this as the greatest mark of your Excellency's good nature, for really your transmitting of my humble request to the King, will be an act of generosity that shall be always acknowledged.

P.S.—If your Excellency favours me with an answer of this letter, directed to me at Rouen, it will assuredly reach me as it will charm me [1]

Some further particulars of the interview between the Ambassador and the Duke were given by a contemporary biography "His [Grace's] Discourse with this Minister was according to the usual Gaiety of his Temper; and though he spoke of going Home, it was in a way that he was at a loss to know his real Intention," so runs the account "However, Mr Walpole received him with his usual Complaisance, and with a Respect suitable to his Quality, and at parting, the Duke told him he was going to dine with the Bishop of *Rochester*. The Ambassador could not help smiling at so odd a Declaration, because he must know that such a Correspondence was made Felony by the same Law that sent that Prelate Abroad. He answer'd him modestly, That if his Grace had a Design to pay that Prelate a Visit, there was no Occasion to tell him of it. Thus they parted, without ever seeing one another again, and the Duke went and dined with the Prelate accordingly." [2] It was eminently

[1] Coxe *Sir Robert Walpole*, II 633.

[2] *Memoirs of Philip, Duke of Wharton* (1731), 25

characteristic of the irresponsible Duke to tell Walpole that he was going from the British Embassy to the house of a man outlawed by the British Government.

While the matter was referred to England, the Duke, having received two quarters of his annuity at Paris, retired to Rouen, there to await the decision of the British Government.

The Duke of Wharton to Walter Price, Under Sheriff

ROUEN, *July* 13, 1728.

. . . Should your time now allow you to come hither I will meet you at Dieppe which is but twelve leagues off.

You need not be under any apprehensions that the Government of England should take it ill that you should come to me, for I have assur'd Mr Walpole at Paris that I am here upon no publick affairs and believe he is satisfy'd with my remaining here Dear Walt, don't fail coming to me for I can do nothing till I have seen you Direct your Answer to me under Cover to Mr Fitzgerald Marchand here.

WHARTON.[1]

Sir Robert Walpole to Lord Townshend

HOCKREL, *June* 29 [*July* 10], 1728.

MY LORD,

I send y^e^ lordship a letter from the Duke of Wharton to my Brother at Paris, wh^ch^ the messenger brought hither to me this morning I beg you will lay it before the King, and take his Majestie's orders upon the subject, and transmitt them to my Brother, wh^ch^ He is very desirous to receive without loss of time, that He may know in what manner to behave himself when the Duke of Wharton is at Paris. I am sorry the Duke of Wharton mentions me in particular, wh^ch^ putts me under some difficulty, but I cannot forbear saying I see

[1] *Weston-Underwood MSS.*, 241.

no reason for his Majesty's altering the Orders He has allready given about the Duke of Wharton, but think it necessary that my Brother should be acquainted in Form by a Secretary of State, w^th^ the King's pleasure upon this subject, w^thout^ loss of time I am with great truth and sincerity, my dear Lord,

Y^r^ Lordship's most affectly and faithfully,

R. WALPOLE.

If His Majesty should ever be induc'd to think of pardoning the Duke of Wharton, 'tis surely now advisable to carry on the Prosecution, when there are legal and full evidences, wh^ch^ may be afterwards hard to come at, and mercy is no lesse in the King's Power after conviction.[1]

The Duke of Newcastle to Horatio Walpole

WHITEHALL, *July* 1-12, 1728.

SIR,

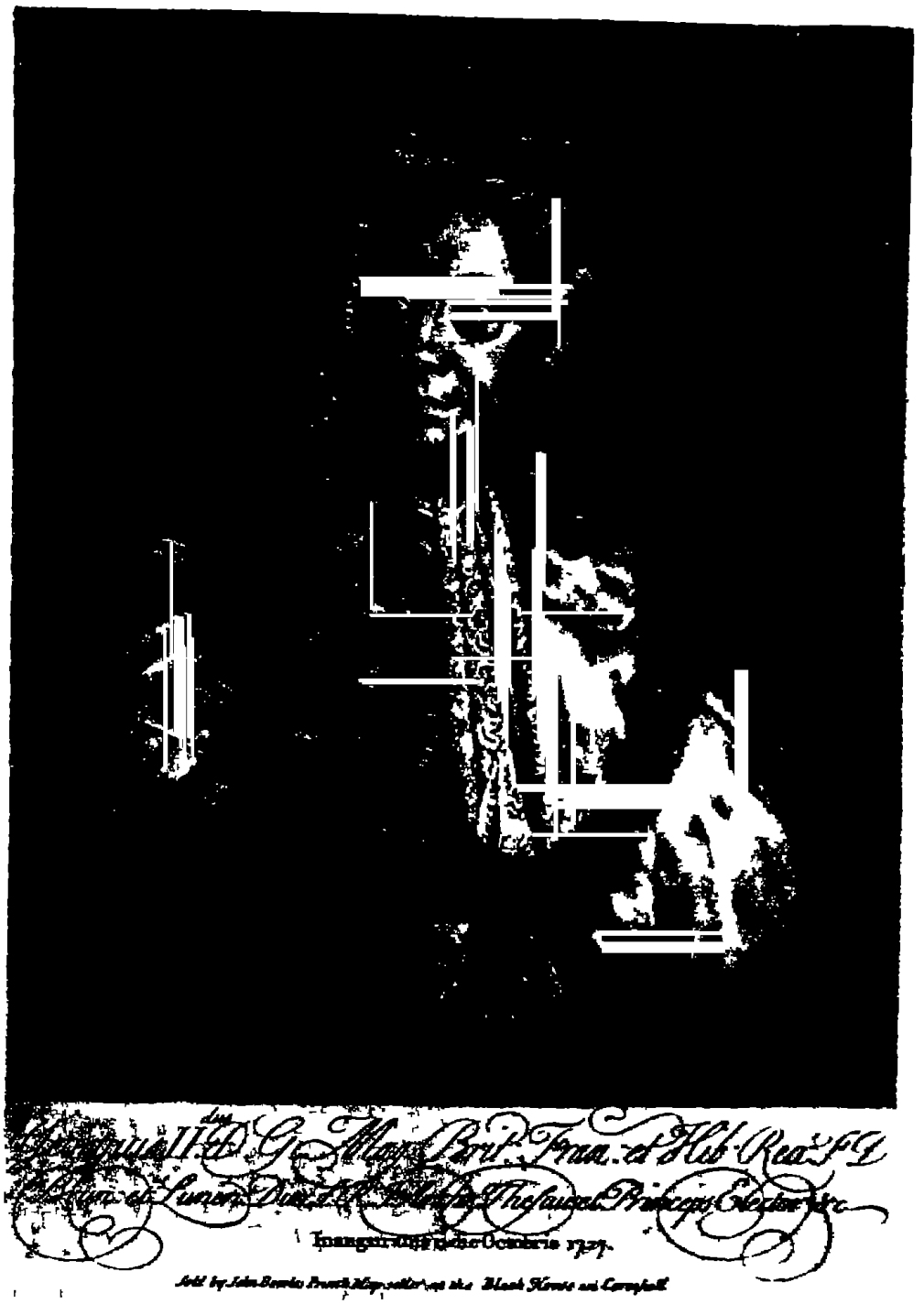
Having laid before the King your Excellency's letter, giving an account of a visit you had received from the Duke of Wharton, and inclosing a copy of a letter he wrote to you afterwards upon the same occasion, I am commanded to let you know, that his Majesty approves what you said to the Duke, and your behaviour towards him; but that the Duke of Wharton has conducted himself in so extraordinary a manner, since he left England, and has so openly declared his disaffection to the King and his Government, by joining with and serving under his Majesty's professed enemys, that his Majesty does not think fit to receive any application from him.[2]

When the Duke was informed by Horatio Walpole that the only course open to him to pursue, if he wished for pardon, was to return to England, surrender himself,

[1] *Weston-Underwood MSS*, 240.

The proceedings against the Duke of Wharton for high treason had been interrupted by the long vacation.

[2] Coxe: *Sir Robert Walpole*, ii. 636.



GEORGE II

and throw himself on the King's mercy, his pride suddenly and unexpectedly asserted itself. He had, there is not a shadow of doubt, expected that, at the first expression of his regret, the fatted calf would be killed in his honour; and now he was bitterly disappointed, and, like a child, angry because he was disappointed. He might have returned without any fear of incurring the danger of imprisonment, for Sir Robert Walpole sent two friends to Rouen to assure him of this, and to advise him to go to England, and send a letter to the King or his Minister making submission, when he would be pardoned by his Majesty, and set in enjoyment of his property, which, now that certain mortgages had been cleared off, produced a revenue of £6000 a year. His visitors stayed with him ten days, urging this course again and again; but at last, finding their persuasions useless, they reluctantly left him to his own devices. "The indictment seemed to be the thing that galled him," wrote his biographer in 1731; "he complained of it as a rigorous piece of justice, as it put him to the necessity of asking a favour, and receiving it, in a public manner, which he fancied not consistent with his honour or reputation." [1] As if to ask a favour were not an easy path to pardon for one who had twice been a traitor to his King.

The Duke's pride was of a pattern so curious that no one could forecast into what strange paths it would lead him. It had not prevented him from applying to the British Government when the Pretender dismissed him, though it had not allowed him to accept the lenient terms offered by King George, and now it did not interfere with his turning again to the Pretender, albeit he must have known he was risking—if not indeed courting—a rebuff from that Prince, who, as the Duke must have known, would surely be acquainted with his erstwhile adherent's negotiations with England.

[1] *Memoir of the Duke of Wharton*, 30.

Horatio Walpole to the Duke of Newcastle

PARIS, *August 14th*, 172

Having already acquainted your Grace that Jacobites had a design of printing a manifesto her favour of the Pretender, by way of address to the sev Powers assembled at the Congress, I have been since by the Garde des Sceaux that he had seized the wl impression, and put an effectual stop to it. And Robinson, having been again at the prison of the Chat to see Mr Arderhelm, has obtained of him a copy of said manifesto, with the deductions designed to be anne to it, which I have the honour to send your Grace enclo

In the meanwhile, I am informed that the Duk Wharton, having (upon what has passed with rela to him in England) renewed his commerce with Jacobites, and publicly professed his attachment to Pretender and the Catholic religion, is now at Dieppe company with Mist, the printer; and it is not imposs but they may be forming some design to print this pa either there or at Rouen, in which last place at l there are presses.

As any one might have guessed, the Jacobites were no means eager again to accept the Duke as an adher A young man, so foolish and so untrustworthy as he l shown himself, was not to be received into the fold v the pleasure that greets the prodigal son. even At bury, now retired from active service in the cause, thoroughly disgusted, and never saw him again [1]

Francis Atterbury to Mr Morice

SURENNE, *August* 3-14, 172

. . . Wharton, you hear, has played strange pra in this neighbourhood—went to the Ambassador hopes of getting leave to come home, and declared repentance to him and to me and many others his be

[1] Williams *Life of Atterbury*, ii. 308.

no Catholic. He said, " We might as well think he was a Turk." When he found his application not received, and the prosecution of him commenced in England, he made another sudden turn, and is now as true a Catholic and Jacobite as ever he was. These are things in which I can say nothing for him, and which I am in no degree able to cover, for he is incapable of being advised or served by anybody. I keep my distance from him.[1]

Walpole was correctly informed that the Duke might at this time be seen in the company of Nathaniel Mist, who had acquired notoriety as the proprietor and printer of the *Weekly Journal, or Saturday's Post*, which he had founded in December 1716, and had run in the Jacobite interest. He was always in trouble owing to some article or other that had appeared in his paper, and in February 1721 he was found guilty " of scandalously reflecting on the King's interposition in favour of the Protestants abroad," and sentenced to stand in the pillory, and to fines and imprisonment for three months. Imprisoned more than once during the next seven years, Mist retired to France in January 1728; and there he became for a while on intimate terms with the Duke of Wharton, after the latter's abortive attempt at a reconciliation with the British Government. In Mist's *Journal* for July 27, there is a paragraph alluding humorously to the association between them :—

'Tis wrote from Rouen, That upon the late Turn of Affairs in England, his Grace the Duke of Wharton has set up a School in that City, and hath taken Mr Bingley, formerly a Prisoner in Newgate, to be his Usher.[2] At the same Place, Mr Mist, lately Printer of this Paper, drives a Hackney-Coach. And, 'tis said, that all Three are in a fair Way of getting a decent Living.

[1] *Ibid*, II 293.

[2] When Mist left England, Bingley took charge of the *Journal*, but, a warrant being issued for his arrest for libel, he escaped abroad

Wharton, having entirely abandoned hope of making terms with the British Government, now became utterly reckless, and penned a savage lampoon against the King and Walpole, which appeared in Mist's *Journal* on August 24.

> Ante retro Simois fluet, & sine frondibus Ide
> Stabit, & auxilium promittet Achaia Trojæ;
> Quam, cessant meo pro vestris pectore rebus,
> Ajacis stolidi Danais solertia prosit
> Sis licèt infestus sociis, regique, mihique,
> Dure Philoctete; licèt exsecrêre, meumque
> Devoveas sine fine caput; cupiasque dolenti
> Me tibi forte dari, nostrumque haurire cruorem;
> . . . . . .
> *Te tamen aggrediar* :—
>
> Ovid. Metamorph. *Lib.* XIII.

Mr MIST,

I HAVE long desired an Opportunity of corresponding with you, but was prevented from it by the Fear I had of disobliging a certain *Norfolk* Steward,[1] who has lately been drowned in a Well of his own contriving.

This Gentleman was married to a near Relation of Doctor *Burgess*, with whom my Father was intimately acquainted, and my Friends us'd often to assure me, that I should inherit this Steward's Estate.

As I suppose he has made his Will, for many Phænomenas have foretold his Death for some Time, I am pretty certain I shall be his Heir; for it is remarkable, that he has been extremely fond of purchasing all the Pictures of my Ancestors, which plainly shews his Desire of being thought related to me.

This Difficulty that was the Cause of my Silence being removed, I can no longer defer the Pleasure I have of giving you a perfect Relation of the present State of Affairs in *Persia*.[2]

[1] Sir Robert Walpole. [2] England.

I observe you have been often under Confinement for having disobliged the present Government, and I must say, that I hope for the future, you will avoid all Occasions of giving Offence to the Ministry. A Ministry! equally esteem'd for their Abilities in Domestick, and their great Experience in Foreign Affairs, and whose Lenity, of which we have had the strongest Proofs, renders their Administration as amiable at Home, as it is formidable abroad.

I have chose a Subject which will please the Curiosity of the Publick, and, at the same Time prove that you are not ungrateful for the Favours you have already received, and endeavour to entertain the World upon harmless Subjects, If you will continue to write upon the same Foot, I am persuaded, that those who have been your Enemies, purely to do you Service, will become your Friends, and be your most constant Readers.

To begin then, I have liv'd for some Years in *Persia*, and consequently have been Witness of all the Miseries that Usurpation has introduced into that unfortunate Empire.

I have formerly read so many Paragraphs in your Paper, which have given a true Character of the old Usurper *Meryweis*,[1] that I will not trouble you with needless Repetitions.

Upon his Death, *Esreff*,[2] the present Usurper, ascended the Throne: This *Esreff*, would fain pass for the Son of his Predecessor; but those who know the History of *Meryweis's* Family, which before it ascended the Throne was inconsiderable, and little regarded, maintain the contrary; and what is certain, is that the old Man, some Time before his Death, left two Writings, the one in the Hands of the High-Priest, and the other in the Possession of his Favourite Concubine,[3] declaring the Illegitimacy of his pretended son. But the Chief Scribe,[4] who knew this important Secret, imparted it to *Esreff*, in order to purchase his Friendship, and to be *screened* by *Esreff's* Authority, from the Cries of the People, who were groaning under the Load of his Depredations.

The Priest was soon terrified to betray his Truth,

[1] George I [2] George II. [3] The Duchess of Kendal
[4] Sir Robert Walpole.

and deliver the Writing, in order to avoid the Pains and Penalties that are generally in those barbarous and unchristian Countries inflicted on such who dare withstand the Torrent of Power and Usurpation. The Concubine, who had hoarded up heaps of Treasure, while she was Mistress of him who was Master of the *Persian* Empire, and had been the Object of *Esreff's* Hatred, wanted no other Bribe to induce her to a servile Compliance, but a Security to preserve her vast Estate in this unforeseen Turn of Affairs. Thus the Intentions of the old Man were frustrated by the Treachery of his Creatures: A Fate but too common to Princes!

As I am thoroughly acquainted with the unfortunate young *Sophi*,[1] and with the Tyrand *Esreff*, it will not, perhaps, be displeasing to you, to receive from me, a personal Character of them both

The *Sophi*, in his Person and Deportment, resembles his Father and his Uncle, whose picture I have seen. He is a Prince whose gracious behaviour is sufficient to win, his Majesty to awe, and his Courage to face, the most inveterate of his enemies. His Sufferings have added Experience and Patience to those endearing Qualities, in order to compleat the greatest Character that ever Eastern Monarch bore: The Misfortunes of his Subjects grieve him more than his own; such his publick spirit! This Prince has no *Seraglio*, but has taken to his arms one Princess, whose Royal Virtues are fit to warm the Breast where dwells so great a Heart

God has bless'd them with two Princes, who promise all the great Qualities their infancy will permit them to discover; and as their Education is in the Hands of their Parents, whose Examples confirm their Instructions, it is most certain, that *Persia* may esteem itself happy, to see the Descendants of those Monarchs that have sway'd their Sceptre with Lustre and Glory, maintain their Right to the Crown, by Merit, as well as Descent.

Esreff's Character is the Reverse of *Sophi's*; he is covetous to the Extent of Avarice; he has everything of Ambition, but that which is necessary to sustain it; he is despised by all that approach him, for the excessive

[1] The Pretender

Vanity that swells his Mind, and induces him to believe that he is the Idol of his People

In his Court he has some who would pretend to Politeness and Wit, which Character they would establish, by extolling of Vice, and ridiculing of Virtue. They have each of them a Sett of Flatterers in their Pay, and they employ these scribblers to chant out their Praises to the World in bombast Poetry, and absurd Prose; so that we may say, that true Learning, which formerly flourished to a great Degree in *Persia*, expires with the other Glories that adorn'd that once powerful Empire *Esreff* has many women in his *Seraglio*, but his first Sultana bears an absolute sway over his weak Mind, and disposes of the Empire at her Will.

The Usurper and his Followers have changed the *Persian* Habit, and appear in Dresses that are proper Decorations to adorn the Persons that wear them; the Fasthion of them is so singular, that the Courtiers look like Pantomimes that strut upon the stage of Life, to represent Vanity and Folly.

The Chief Scribe is the great Director of publick Affairs; his Treachery to the Memory of *Meryweis*, in the Instance I have already mentioned, was a sufficient Merit to recommend him; but what added to his Power was, the immense Treasure he had bestowed on the Favourite *Sultana*,[1] whose darling Passions, Vanity and Ambition, were gratified, when she found herself possessed of Part of the Plunder of the unhappy *Persians*, and enjoying a greater Revenue than any Princess who had filled the Arms of *Persian* Monarch (before the Scepter was wrested by Rebellion and Treachery from the Hands of those whose undoubted Right it was to sway it had even pretended to desire.

You will naturally be surprised, that a Prince so unequal to the Imperial Dignity, directed in all his Counsels by a Minister who is as famed for Corruption as *Sejanus*, and for Cruelty as *Nero*, should be able to maintain the Possession of the Empire, in Opposition to a lawful *Sophi*, whose undoubted Right is supported by the Affection and Duty of the Generality of the People, by

[1] Queen Caroline.

whom hourly prayers are offered up for his Restoration; but Providence, the great Director of all Things, has hitherto ordered it otherwise, and the Royal Heart that dwells in the young Monarch's Bosom, bears his Misfortunes with the Patience of a Hero, and an intrepid Resolution worthy the Descendant of his glorious Ancestors.

It was *Meryweis* that begun the Destruction of *Persia*, and by the artful and corrupt Methods he pursued to establish his ill-got Power, he rendered it difficult for the young *Sophi* to strike the Blow upon his Death, and remount his Father's Throne; but well he knew that *Esreff* would soon lose the few Friends that were attach'd to his pretended Father's Fortune; and as he grew despised by his own Creatures at Home, would consequently become more odious abroad, than the Knowledge which some Eastern Princes had of him, had already rendered him. *Esreff's* Ministers were ignorant of all foreign Affairs, and the Aga [1] that he sent as his Agent to *Constantinople*,[2] had travelled about *Persia* to divert the Nobility of that Country, as a Buffoon, which character both his Person and his Parts entitled him to perform.

The Reign of Iniquity in that Country, according to our last Advices from thence, seems to draw towards a Conclusion; the Grand Seignior [3] appears to slacken in his Restoration to support the Usurpation, and to listen to the advice of his Favourite Mufti,[4] a Person of great Honour and known Humanity. The Mufti, whose chief view is to prevent a War, and consequently the Effusion of Blood, must see, that so long as the *Ottoman* Port shall continue to favour the Interest of *Esreff*, there will be friends in Asia; for the Spirit of Loyalty that adorns the *Persians* will never abate. The *Grand Mogul* and the Czar of *Muscovy* will certainly support the young *Sophi*, who has two powerful Advocates of his Side to engage every honest Man in his Party, *viz.*, Justice and Constancy, who never fail to triumph over Bribery and Rebellion.

[1] Horatio Walpole
[2] Paris
[3] The King of France
[4] Cardinal Fleury.

If the *Turks* should listen at last, as no Doubt they will, to the Cries of an injur'd, oppress'd, and plunder'd Nation, who implore their Protection, then, and then alone, a Peace will ensue in the East, which will make the *Halcyon* Days return, and the Temple of *Janus* may be shut for ever.

I am,
Your Humble Servant,
AMOS DUDGE.

This letter, the authorship of which was not at once declared, attracted the attention of the Government, which instituted a prosecution. This, however, was ineffectual, for Mist was at Rouen, and did not, of course, return to stand his trial.

CHAPTER XIV

OUTLAWED—DEATH

(1729–1731)

The patience of the British Government with the Duke exhausted—He is outlawed—It is discovered after his death that the outlawry was illegal—Reversed by Writ of Error—By the decree the Duke's estates forfeited to the Crown—He receives no further remittances—He is penniless at Rouen—His extravagance—His duns—He applies in vain for relief to the Pretender—He bears his poverty with good-humour—He goes to Paris—He challenges a brother-peer to a duel—Correspondence concerning this incident—His inconsistency—He retires to a monastery—His exemplary conduct in retreat—His frolics lose him many friends—His excessive drinking affects his character—The Duke and Duchess set out for Spain—Orleans—Nantes—Bilbao—The Duchess goes to Madrid—Her subsequent history—Erroneous accounts of her later years corrected—The Duke joins his regiment at Lerida—A letter to a friend—A quarrel with the Marquis of Risburgh—His excesses have undermined his constitution—He is very ill—He recovers partially—Takes the waters in Catalonia—He returns to the regiment at Terragona—Taken seriously ill—Dies at the Monastery of Poblet—His Epitaph in the Abbey of Poblet

THERE was a limit to the patience of the British Government, even when dealing with the Duke of Wharton, and when the publication of the lampoon in *Mist's Journal*—the authorship of which was soon detected—made it abundantly evident that he had no intention of endeavouring to make his peace at home, it was considered that, remonstrances and entreaties having failed utterly, the time had come to employ stern measures. On the evidence of some Spanish deserters sent to England from

Gibraltar for the purpose of bearing witness against him, the Duke on April 3, 1729, was outlawed. It was subsequently proved that the outlawry had not been pronounced strictly according to all the forms of the law, and it was reversed on a Writ of Error; but that was long after the Duke's death.[1] By the decree that declared the Duke an outlaw his estates were held forfeit to the Crown; and his trustees wrote to inform him that they had been served with an order forbidding them to remit him any further monies on account of his annuity. This order also stopped the payment of the Duchess's pin-money.

The Duke, who had not foreseen these consequences, was at first utterly dumbfounded. He was, indeed, as surprised as is a child, who, having been warned again and again that if he continues to misconduct himself he will be beaten, is at last severely handled. "The Duke," says his contemporary biographer, "had about two quarters of his Annuity in hand, the half of £1200, when he fix'd upon *Rouen* for his Residence, where more of his Servants join'd him from *Spain*. Here he form'd his Household, and made a Calculation, in which there appeared to be but one Mistake: that is, his Grace proportioned his Disbursements not according to the Extent of his Fortune, but agreeable to the size of his Quality; and though no Pains were wanting to set the Duke right in an Affair that so much concern'd him, yet it prov'd too difficult an Undertaking to convince

[1] "It is material to observe that the Duke of Wharton was never attainted by Act of Parliament: that he was never tried or convicted of treason, and that he was notoriously out of the Realm, as well when the *Capias* and *Exigent* were issued, when the proceedings under the *Exigent* took place, and also when the Outlawry was pronounced; and that he never returned to the King's dominions. . . . His attainder, and the alleged forfeiture of his Honours could, therefore, have been caused by Outlawry ONLY; *and unless that Outlawry were pronounced strictly according to all the forms of Law, it may be reversed for Error*" *Statement respecting the proceedings in outlawry against Philip Duke of Wharton*, 2 *Geo.* II (1728-9); 1844

him of this Error in his Reckoning, so long as he could tell ten, nay, so long as he had one Crown left." [1] All the advice showered upon the Duke was entirely wasted, for he was entirely without any sense of the value of money. When he was in funds, he lavished what he had; when he was without supplies, he lived on credit. It made no difference to him so long as he could get what he wanted. At least, it had hitherto made little or no difference; henceforth the case was altered. Heavily in debt at Rouen, he was at his wits' end to know how to obtain even the necessaries of life for his wife, himself, and his retinue, for his tradesmen, learning what had occurred, were in no mood to supply him. Indeed, the day soon came when these good folk called at his house every day, not with provisions, but with bills. "He was attended every morning with a considerable Levée, made up of the Tradesmen of the Town, such as his Butcher Poulterer, Baker, Wine and Brandy Merchant, &c. The Duchess had also her Milliner, Manteau-Maker, Tire-woman, &c. The Duke received their Compliments with an Air suitable to his Quality, till they grew too importunate, and then he set out for Paris, leaving his Horses and Equipages to be sold, and the Money to be appropriated as was found Occasion." As a matter of fact, the Duke and Duchess fled by night from Rouen to the capital.

The Duke was now in a far worse position than any in which he had hitherto found himself. His pride had forbidden him to treat with the British Government when it had held out a friendly hand. Now that this hand was withdrawn, his common-sense told him that the time had gone when terms—other than terms that must be very uncomfortable to him—could be made. His only hope of extrication from his difficulties was in the Pretender. Here, too, it may be thought that his pride would have restrained him from making application.

[1] *Memoirs of Philip, Duke of Wharton* (1731), 26.

His pride, however, had exhausted itself in its one unwise outburst. He wrote to the Prince explaining his pitiable condition, which, he urged, had been brought about by his devotion to the Jacobite cause. He asked his Royal Highness again to extend to him his protection. He asked also for pecuniary assistance. To this appeal, James, who no longer had the slightest belief in the good faith of his once trusted adherent, knowing all that there was to be known about the interview and negotiations with Walpole, replied that as the Duke's past conduct had not merited favour, it must be his future behaviour only that could commend him. This letter was more kindly than the double-traitor had any right to expect, though doubtless it did not satisfy him. He lost heart for a while, but not even the direst poverty could long depress him. "The Poverty of his Circumstances prov'd a Fund of inexhaustible Humour; an empty Bottle was the Subject of many a dry Joke, and the want of a Dinner seem'd to whet more his Wit than his Appetite."[1]

Some writers say that the Pretender sent the Duke at the same time as the letter the sum of £2000, but if he ever made him such a gift it certainly must have been before this time, since henceforth the Duke had practically no money at all. His friends certainly, perhaps, too, his sisters contributed to his support while he was at Paris. Almost as soon as he arrived in the city he challenged a brother-peer to a duel—for reasons set forth in a letter written by his orders to a friend.

PARIS, *April* 6, 1729.

SIR,

His Grace Yesterday receiv'd a Letter from you, which he takes as the most sensible Mark of that Esteem and Friendship which you always profess'd, and has kindly prevented him from consulting you first, as he designed, how to redress the Injustice of so scandalous

[1] *Memoirs of Philip, Duke of Wharton* (1731), 32

a Lye, both injurous to his Honour, and false in every Circumstance. His Grace writes to you by next Post, to acknowledge the Kindness of your Letter, with full Power to you to proceed as you think most proper, and has left it to me to give the true State of the Fact, as it really was, and not as it is basely and maliciously represented. which was thus;

Lord C——, a *Scots* Peer, with whom you may remember to have heard both the Duke and Duchess talk that they had lived in great Intimacy in *Italy*; when he came here some Months ago, they renewed their Acquaintance and Friendship together, and for some time continued it with mutual Freedom, till my Lord Duke had reason to believe, by what he had heard from Others, that the said Lord had vainly boasted how much he was in her Grace's Favour, which tho' his Grace often affirmed since the Quarrel, that he had not the least Suspicion of the Duchess's Conduct and Honour; but the Vanity of that Lord he would correct without bringing her Name in Question, and accordingly grounded his Challenge, from a Circumstance that happen'd some time before his Grace gave the Ball at St *Germains*, which was this: His Grace and my Lord C—— accidently met at the *Spanish* Baroness's, where they mutually visited, and where at that time were very good Company, and a great deal of agreeable Raillery pass'd. Amongst the rest, his Grace dropping one of his Gloves by chance, Lord C—— happened to take it up, and returned it to the Duke, upon which his Grace ask'd, *If he would take it up in all its Forms?* and the Lord reply'd, *Yes, my Lord, in all its Forms.*

At the Ball, not long after, which his Grace gave at St *Germains*, and to which he invited Lord C——, somebody indiscreetly ask'd the Duke, *If he had forbid the Duchess to dance with Lord C——?* This gave his Grace fresh Reason to believe the *Scots* Peer had been administring new Occasion for his Resentments, by a Liberty of Talking. However, his Grace contented himself for the present, and with a very agreeable Address, and a polite Manner of Behaviour, entertain'd the Company the whole Night; but at Five in the morning he slip't, unknown to any body, to *Paris*, from whence he sent a Challenge

to the Lord, to follow him to *Flanders*. The Challenge was delivered by his Servant, on *Wednesday* about one a Clock, and was in Substance, *That his Lordship might remember his saying, That* he took up his Glove in all its Forms; *which, on Reflection, he look'd upon to be such an Affront, that he could not put it up; therefore desired him to meet him at* Valenciennes, *where he would expect him, with a Friend and a Case of Pistols; and if he failed, he should Post him*, &c.

This Challenge, as I have said, was delivered on *Wednesday* one a Clock, and his Lordship came to *Paris*, and was not taken into Custody till *Thursday* about five in the Afternoon. His Grace did not see any Person till he came to Town, but Capt *Brierly*, whom he pitch'd upon to accompany him on that Expedition; he even avoided me, lest I might have known something of the Matter. As soon as *Michael* was dispatch'd with the above Letter, his Grace and *Brierly* went Post with only Twenty Louis d'Ors, poor Provision for such a Journey; but which proves, as every Part of his Grace's Behaviour since the Ball, that there was not wanting on his Side, the least Resolution Upon Lord C——'s being some time in Custody, and the Duke no Money left, he returned, and was also put under the like Arrest, and ever since great Endeavours have been used to bring the Duke to dishonourable Terms, and even threatening to shew the Challenge to the Marshal, in case he did not comply. However, after several Messages backwards and forwards, and several Proposals on both Sides rejected, one of the Duke of *Berwick's* was accepted of, which was little more than a Declaration on the Duke's Part, *That there was no Challenge nor Difference between them*; the Words were wrote down by the Marshal, and express'd by the Duke, and then both the Exempts of the Guards were taken off, and the Gentlemen set at Liberty.

My Lord Duke is now in a religious Retreat in a Convent, to make his Easter If this works in him a Reformation, as may reasonably be expected, he may yet be a Comfort to himself and his Friends, which I hope and sincerely wish for.[1]

[1] *Memoirs of Philip, Duke of Wharton* (1731), 37-40.

The Duke of Wharton to a Friend

PARIS, *April* 7, 1729.

DEAR SIR,

I have received your Letter of the 29th of *March*, which shews the Continuation of that Friendship, of which you have given me such repeated Proofs. I am now in a religious Retreat, where I am so engaged in the Duties of the Place, that you must excuse the Shortness of this Epistle.

Mr —— has sent you the Particulars of my Affair with Lord C——: I shall not trouble you with a Repetition of them; but only in general say, that if he had been inclined to meet me, as I was to see him, he would not have remained thirty Hours at *Paris*, but would immediately have come to the Rendezvous in *Flanders*, where I and Mr *Brierly* waited for him He had my Challenge in his Pocket Thirty Hours before he was seized. I beg of you to clear up my Reputation and my Wife's, who had nothing to do in the Affair.

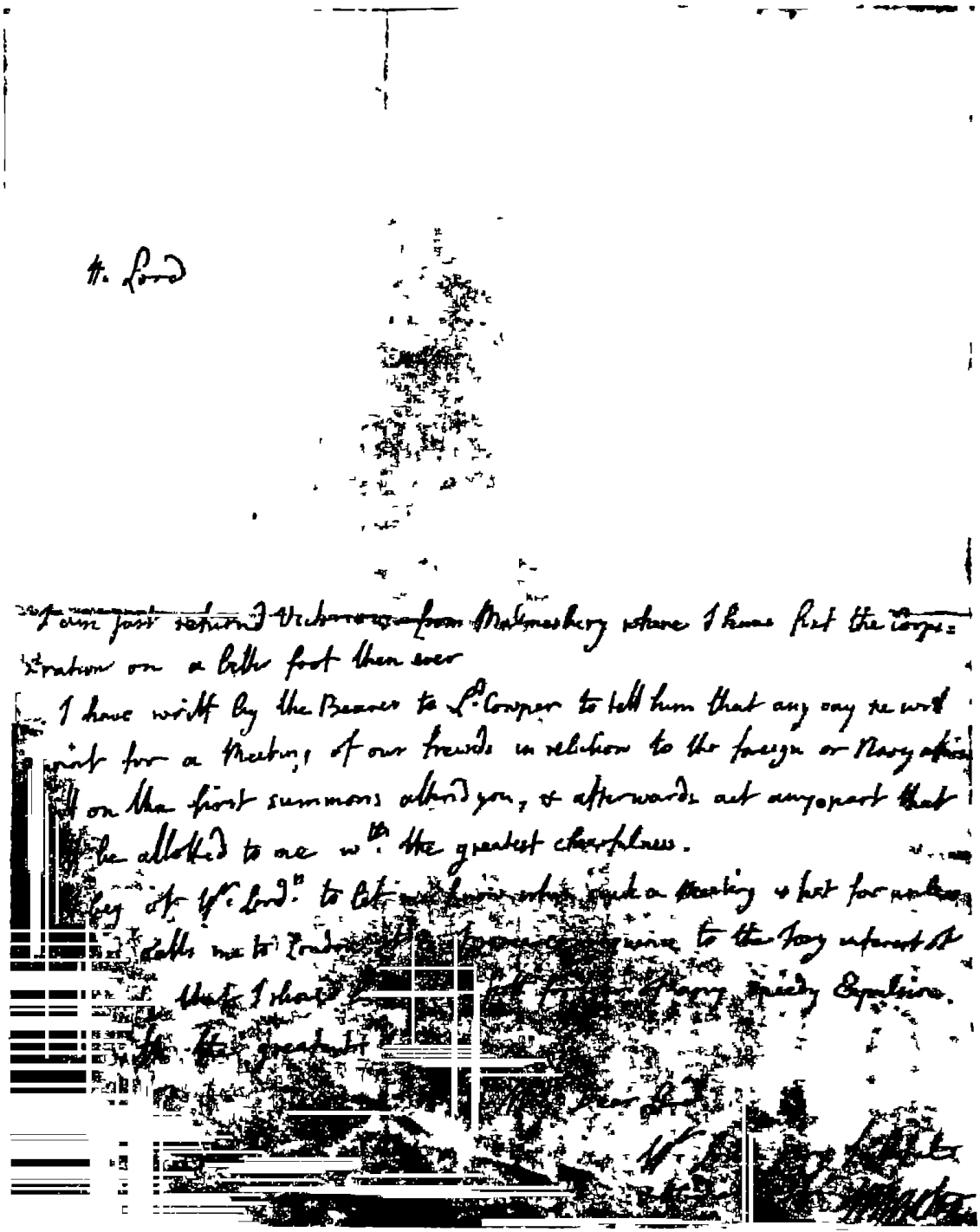
I Give you full Authority, and require it of you, as my Friend, to prosecute the Authors of the *London Evening Post*, and *London Journal*, and any other Paper wherein my Reputation is touch'd, and impower you to act for me in that Affair, promising to confirm every thing which you shall do in my Name. Don't lose any Time, and believe me,

Dear ——

Your Sincere Friend and
Humble Servant,
WHARTON.[1]

The Duke in the short space of his life had been many things by starts, but nothing long; and if he had not actually been, like another notorious character, "chymist, fiddler, statesman and buffoon," at least he had been man about town, politician, pamphleteer, and soldier. He had tasted the sweets of life so persistently that his palate was somewhat cloyed with them; and now, like an epicure,

[1] *Memoirs of Philip, Duke of Wharton* (1731), 41



A LETTER OF THE DUKE OF WHARTON
From the original in the possession of A M Broadley, Esq

he thought to derive pleasure by abstaining from the usual forms of enjoyment. He thought he would take the monastic vows, but before he made up his mind to take the irrevocable step he decided to sample the life led by the monks, and he entered a monastery near Paris at a time when his wife was paying a long visit to some relations at St Germains. It was well that he decided upon this period of probation, because—it seems almost unnecessary to say it—he soon came to the conclusion that he was not suited for the vocation. A solitary life suited him well enough for two or three weeks, while he began—he never finished anything that could not be done in a few hours—a translation of *Telemachus*. At first, certainly, he made a good impression on the Holy Fathers. "The Duke of *Wharton* was look'd upon in the Convent for a Devotee. He talk'd so well upon all Points of Religion, that the pious Fathers held him with admiration," his contemporary biographer has written. "They thought themselves happy in having among them, a Man so remarkable for his Quality, fine Understanding, and, as it now seem'd to them, exemplary Life; they esteem'd him little less than a Saint, and if his Conduct had not been the most Regular in the World before this, they found in him such lively Tokens of Repentance, and so thorough a Conversion of Manners, that they imputed the Change to a peculiar and immediate Act of Providence, and valued the Blessing accordingly." But what to the simple monks was a miracle, was to the Duke merely the experience of a new sensation. He had been bad—and found pleasure in wrong-doing; he now was good—and found it most piquant—for a while. Then he left the retreat, and the world wondered if his conversion would enable him to withstand the temptations that hitherto had allured him. "Every Body had their Eye upon his Grace's Conduct in this new Character, and various were the Sentiments of his Friends, as to the

operations it might produce; but the Duke did not keep them long in suspense," the biographer continues. "The Jewel was far too precious for the Fathers to retain. He tumbled again into the World, and ran headlong into a Round of Vice, Folly, and Extravagance, as bad as ever he had been accustomed to." [1]

While at Paris the Duke showed that his humour was as frolicsome as ever, but now there was this difference that his practical jokes and other amusements had to be performed at somebody else's expense. The people who had to pay generally laughed good-naturedly and settled the reckoning; but they contrived somehow not to place themselves again in the same position. His frolics in themselves, however, though very foolish, were harmless enough, and seem to have been but the ebullition of superabundant high spirits.

"A young *Irish* Lord of his Acquaintance, a Youth of a sweet good-natured Disposition," wrote one who knew the wayward nobleman, "being at *St Germains* at the Time the Duke was visiting his Duchess; his Grace came to him with a Face of Business about Nine a Clock at Night, and tells him that an *Affair of Importance* called him to *Paris*, in which he had no time to lose, and therefore begged his Lordship to lend him his Coach: He did it very willingly; but as his Grace was stepping into it, he told his Friend, he should take it as a Favour, if he would give him his Company. As the Duke was alone, the young Lord could not refuse him, and they went together, and arrived at Paris about Twelve at Night. His Companion suppos'd his Business was a private Matter, and therefore offered to leave him, and join him again, when he had finished it: But his Grace acquainted him, that it was not necessary, and then they went about the important Affair in Company. The first thing that was to be done, was the Hiring a Coach

[1] *Memoirs of Philip, Duke of Wharton* (1731), 42-3.

and four Horses, and afterwards to find out the Musick belonging to the Opera, Six or Eight of which he engaged, at a price agreed on;-the Lord did not perceive the End of all this, till he return'd to *St Germains*, which was at Five the next Morning, and marching directly with his Troop to the Castle, he order'd them to strike up on the Stairs; then the Duke's Plot broke out into Execution, which was no more than to Serenade some young Ladies, near whose Apartments they were.

"This piece of Gallantry done, the Duke persuaded my Lord to go about a League off to *Poissy*, where lived Mr R——, an *English* gentleman, one of their Acquaintance; my Lord consenting, he took with him a couple of Trumpets and a Pair of Kettle Drums, to give the Musick a more Martial Air; but to this the Opera Musick at first objected, because as they should be wanted that Night at their Posts, they must forfeit half a Louis d'Or each for Non-appearance: *Half a Louis d'Or!* says his Grace, *Follow the Duke of* Wharton, *and all your Forfeitures shall be paid.* They did so, and entered Poissy in such a musical Manner, that alarmed the whole Town, and their Friend Mr R—— did not know whether he had best keep his House or fly; but the Duke making a Speech *apropros*, put an End to all Frights and Fears, and there the Troop was regaled in a very handsome Manner.

"And now the important Business being all over, there was but one thing further needful, namely, to discharge the Score; as to which the Duke had Occasion to be brief; *My Lord*, says he, *I have not one Livre in my Pocket, therefore I must intreat you to pay the Fellows, and I'll do as much for you when I am able.* The said Lord, with a great deal of good Humour, answer'd all Demands, amounting to Twenty-five Louis d'ors, and so this Affair ended."

It was at best a poor joke, but it was a better joke for the Duke than for his friend. There is another story

also told of the Duke that bears a family likeness to tha already narrated. The Duke met at Paris an Irishman Sir Peter R——, who had been made a Knight of th Portuguese Order of Christ. The Knight invited him t a feast which was being given in honour of the member of the Order, and suggested that his guest should don black velvet suit, the costume *de rigueur* at all function in connection with the Order of Christ. The Duke, wh in those days was careless about his personal appearance had no clothes but his regimentals. However, he promise to confirm to the unwritten law; only, he said, he di not know a tailor in the capital. "I will send you mine, said Sir Peter. "He is a very honest fellow, and wi use you well." The tailor came, the suit was made, an the Duke attended the dinner in the regulation attir and, we may be sure, thought no more of the matte Presently the tailor waited upon the Duke, and presente a bill. "What is this for?" asked his Grace. He wa told it was for the black velvet suit "Honest man," h replied, "you mistake the matter very much. You a to carry the bill to Sir Peter R——; for be pleased t know, that whenever I put on another man's livery, m master always pays for the clothes."

It is not surprising that after a while most peop considered that the Duke's friendship was a privile that had to be acquired at too extravagant a price, an those who had been his intimates gradually drew awa from him. There were, too, other reasons why he w left to his own devices, the principal of which was th his perpetual tippling was affecting him in a mann that made him particularly objectionable when he w in his cups. "As," says his friendly biographer, "h was Master of the *French*, as well as of the *Spanish* an *Italian* Languages, had a fine Address, and delicate Tu of Wit, every one must have been charm'd with h Conversation: For whilst he employed himself in sob

Diversions, or serious Business, his Conduct was regular, and his Company entertaining; but when a certain Measure of his Time was not taken up, he sacrificed his own Happiness and his Friends' Delight to the Bottle, and as that prevailed, he lost in proportion his sprightly Humour, and descended in his Discourse either to invidious Reflections, or insipid Drollery He no longer preserved with Dignity, that free easy Manner that pleased all Mankind; his Voice also became harsh and dissonant, and all his bright and beautiful Colours quite faded away; but the next morning generally brought new life, and all those amiable Qualities returned, and he emerged from a Cloud of Folly, like the Sun from an Eclipse, and shone out again with his usual Force and Lustre." The trouble was that as the years passed he was more often drunk than sober, and that he emerged less often from that "Cloud of Folly," and even on those occasions when he did so emerge it was found, as was indeed inevitable, that the brightness of his wit and conversation was sadly diminished As a matter of fact, he was very steadily degenerating The pace he had set for himself was too hot to last If his life was to be merry, according to his own inclination, there were few who could not now see it was sure to be a short one. A picture of him at this time, in a letter from one of his companions to a correspondent in England, has fortunately been preserved —

PARIS, *June* 1, 1729.

DEAR SIR,

I am just return'd from the Gates of Death, to return you Thanks for your last kind Letter of Accusations, which I am persuaded was intended as a seasonable Help to my Recollection, at a Time that it was necessary for me to send an Inquisitor General into my Conscience, to examine and settle all the Abuses that ever were committed in that little Court of Equity; but I assure you, your long Letter did not lay so much my Faults

as my Misfortunes before me, which believe me, dear —— have fallen as heavy and as thick upon me, as the Showe of Hail upon us two in E—— Forest, and has left m as much at a Loss which way to turn myself. The Pilo of the Ship I embarked in, who industriously run upo every Rock, has at last split the Vessel, and so muc of a sudden, that the whole Crew, I mean his Domesticks are all left to swim for their Lives, without one friendl Plank to assist them to Shore. In short, he left me sick in Debt, and without a Penny; but as I begin to recover and have a little Time to think, I can't help considerin myself, as one whisk'd up behind a Witch upon a Broom stick, and hurried over Mountains and Dales, throug confus'd Woods and thorny Thickets, and when th Charm is ended, and the poor Wretch dropp'd in a Desart he can give no other Account of his enchanted Travels, bu that he is much fatigued in Body and Mind, his Cloath torn, and worse in all other Circumstances, without bein of the least Service to himself or any body else. But I wi follow your Advice, with an active Resolution, to retriev my bad Fortune, and almost a Year miserably misspent

But notwithstanding what I have suffered, and wha my Brother Mad-man has done to undo himself, an every body who was so unlucky to have the least Concer with him, I could not but be movingly touch'd at s extraordinary a Vicissitude of Fortune, to see a great Ma fallen from that shining Light, in which I beheld hi in the House of Lords, to such a degree of Obscurity that I have observ'd the meanest Commoner here declin and the few he would sometimes fasten on, to be tire of his Company; for you know he is but a bad Orato in his Cups, and of late he has been but seldom sober.

A week before he left *Paris*, he was so reduced, tha he had not one single Crown at Command, and we forc'd to thrust in with any Acquaintance for a Lodging *Walsh* and I have had him by Turns, all to avoid a Crow of Duns, which he had of all Sizes, from Fourteen hundre Livres to Four, who hunted him so close, that he we forced to retire to some of the neighbouring Villages fo Safety. I, sick as I was, hurried about *Paris* to rais Money, and to *St Germains* to get him Linen; I brough

him one Shirt and a Cravat, with which, with 500 Livres, his whole stock, he and his Duchess, attended by one Servant, set out for *Spain*. All the news I have heard of them since, is, that a Day or two after, he sent for Captain *Brierly*, and two or three of his Domesticks, to follow him; but none but the Captain obey'd the Summons. Where they are now, I can't tell, but fear they must be in great distress by this Time, if he has had no other Supplies; and so ends my melancholy Story.[1]

Having come to an end of his credit, and his companions' pockets being closed against him, the Duke, accompanied by his Duchess, fled from Paris, without, of course, notifying his numerous creditors of his intention. They went to Orleans, and then down the Loire to Nantes, where they were held up by want of funds. One of his much-tried friends sent him money, and despatched after him some of his servants. Then, with the ragged retinue, they embarked for Bilbao, which was reached safely, from which town the Duke wrote—let us hope to the friend who had come to his assistance—a humorous letter, in which he whimsically described his journey, but, concluding on a note of sadness, begged his correspondent, notwithstanding what the world might say of him, to

> "Be kind to my remains; and O! defend,
> Against your judgment, your departed friend." [2]

By the time the Duke reached Bilbao he was again in straits, and his only means of getting money was to rejoin his regiment, which was then stationed at Lerida. He, therefore, went thither, but could do nothing for the Duchess and the servants he had left at the seaport town. However, the Duke of Ormonde came to her assistance, and escorted her and her attendants to her mother at Madrid. The Duchess never again saw her husband,

[1] *Memoirs of Philip, Duke of Wharton* (1732), 43-5.
[2] Dryden *Epistle to Congreve*, lines 72-3.

and her story may as well be told here When Mrs O'Beirne died the pension she had enjoyed from the Spanish Government—her sole source of income—ceased, but her two unmarried daughters were appointed Maids of Honour to the Queen of Spain, and, it is said by the Marquis d'Argens, that the Duchess of Wharton was also received into the Household [1]

The Duchess of Wharton survived her husband more than two score years. When he died, she was entirely dependent upon a small pension granted her by the Spanish Court, for owing to the Duke's Estates being held forfeit to the Crown, her pin-money of £500 a year, which since her marriage would have amounted to £2400, had never been paid, nor at this time did she receive her jointure She came to England within a few years of her husband's death and proved his will at Dublin in 1736; but under this, although all his estates was left to "her Grace the Duchess of Wharton, my dearest spouse," she did not receive any monies. Dr Doran suggested that she may have lived upon the sale of the Duke's works, since he had occasionally met with a copy of *The True Briton*, or *Mist's Journal*, in which was written, perhaps by the poor lady to increase the value, "This is the Duchess of Wharton's book. The Duke wrote it." [2] The theory, however, is not convincing · certainly it would have provided a very poor livelihood. Other writers state that the Duchess lived and died in poverty; while Mr Robinson, in his biography of the Duke, merely mentions that until her death she lived in obscurity on the Spanish pension. These authorities have overlooked the principal sources o information concerning the Duchess's later years, which indeed, entirely upset their contentions. First, there is a letter from a correspondent to the *Gentleman'*

[1] *Memoirs of the Count du Beauval*, 67

[2] *Memoir of Edward Young* (prefixed to the "Works"), I. lvii.

Magazine for July 1766, in which, correcting an error in the last volume of the "Biographia Britannica," the writer states, "The Duchess of Wharton . . . is so far now from being poor, and destitute, unprovided for (as indeed she was in 1732) that for some years past, she has been enabled to live in a manner suitable to her rank," Secondly, there is the Duchess's will, dated December 23, 1775, and proved March 1, 1777. By this it appears that the Duchess was in comfortable circumstances. She had a companion, Mrs Fitzgerald, and several servants'; and left, besides money, pictures and jewellery.[1]

There can be no doubt that the greater part of her possessions came to her from the Duke's estate. On January 31, 1732, the King commanded the Attorney-General to prepare a Bill whereby the Duke's property was granted to trustees, in trust for the payment of the debts and charges on it, the surplus to be applied for the benefit of his sisters, Lady Jane Holt and Lady Lucy Morice.[2] Subsequently, on April 24, 1733, the King, by Letters Patent, confirmed this grant.[3] Though in these documents there is no mention of the Duchess, her pin-money and jointure, as charges on the estate, were, with all arrears, duly paid. It was not until after many years, however, that the arrangements were completed. "I am kept in town by some business with the Duchess of Wharton," Lady Jane Coke wrote to Mrs Eyre, so late as May 6, 1751. "However it is some comfort that it is the last thing we have to do, for I think I may venture to say my brother's affairs are at last finished"[4] As regards the alleged obscurity of the Duchess's later years, it may be pointed out that her position in England in 1747 was sufficiently recognised to enable her to intercede with the Duke of Newcastle on behalf of her relative Mr Stafford, a Captain of Horse

[1] The will is printed in the Appendix [2] See Appendix E.
[3] See Appendix F. [4] *Letters of Lady Jane Coke*, 74

in the Spanish Service, who was imprisoned in the Tower for high treason.[1] She died at her house in Golden Square, London, on February 13, 1777, and seven days later her remains were interred in the burial ground of the parish church of St Pancras.

At Lerida, the Duke now lived in a very regular way, which indeed, as his biographer says, was full time, considering how near he was drawing to the verge of it. Having no other resources, and there being none so foolish as to give him credit, he was compelled to live upon his pay as Colonel-Aggregate, which has been said by different authorities to be eighteen pistoles a month (about £16)[2] and £88, 11s. od. a year.[3] Once, however, he did obtain some assistance from an English relation —perhaps one of his sisters—when the regiment was ordered to prepare for active service, and he found himself unable to provide himself with the outfit necessary for one holding the rank of Colonel. The letter, written at Belaguer, a small town about fifteen miles from Lerida, asking for supplies was enclosed in another, given below, to one of his friends at Paris to be forwarded to England.

BALAGUER, *May* 10, 1730.

I am overjoy'd to find by yours of the 24th of *April*, which I received Yesterday, that Mrs —— is intirely recovered. The Duchess of *Wharton* described her Illness to me in a Letter I received from Madrid, and I own it gave me a great deal of concern. I knew that your innate Good Nature, prompted by the Tenderness of a Husband, would make a deep Impression upon your Spirits; for though my misfortunes have deprived me of the Means of serving my Friends, yet I shall always continue to take a share in whatever can affect them. All that I can do at present, to answer the Calls of Friend-

[1] B.M. *Add. Mass.* 32710 ff. 264, 329.
[2] ——— *of Philip Duke of Wharton* (1371). 47
[3] E. R. Wharton: *The Whartons of Wharton Hall*, 56

ship, is to rejoice at the Prosperity of my Friend, and to feel his Calamities.

As for Miss *Polly* [*Peachum*] [1] I thought she was establish'd with Crook-finger'd *Jack* of *Rouen*. I am sorry she is disobedient to her Parents; but I'll answer for her, that she loves the Trade too well ever to turn honest, which ought to be a Comfort to you.

No Man having deserved hanging more than the —— I am of Opinion he ought to live some Time longer. I suppose the Lock being empty, he wrote his Vindication to get a little Money, and by being thought honest, he intends to cheat the World a second Time. That being the Fact, I think he ought to be commended for his Industry.

Nimming Ned prays daily; but his Reason for that uncommon Devotion, is, that he finds the Church a good convenient Place to exercise his old Trade of picking of Pockets. He has filed a great many Wipes this Year.

Bob Booty, since he is made a Captain, has changed his manner of serving the Gang; he is turn'd a clever Sharper at Cards, and does now and then pick up Pence enough to subsist the Gang for a Month without other Business.

This is all I know of your Disciples in these Parts As for News, I can only tell you, that we are preparing with great Alacrity, for a red-hot War. An Embargo is laid on all the Barks and Vessels that are in any port between *Cadiz* and *Barcelona*, for the Transport of Troops; and the Marquiss *de Torremayor*, Inspector General of the Infantry of *Catalognia*, is now upon his review, with full Power to conform all Officers that are judged unfit for Service, and fill up their Posts with others. He is to pass my Regiment the 23rd of this Month, and I am preparing for his Reception. I will shew him two Battalions that are as fine as any Troops in *Europe*.

[1] "The Duke was particularly fond of that noted Dramatick Performance, called 'The Beggar's Opera,' and he and his Acquaintance fell into that humorous Way, and gave one another the same and the like Names and Characters" *Memoirs of Philip, Duke of Wharton* (1731), 49

The letter is addressed to the gentleman upon whom the title of Peachum had been conferred Bob Booty is that Bob Brierly, to whom reference has already been made

I must beg the Favour of you to find some Way of having the enclosed Letter delivered to —— I do not know where to address it myself. I send it open that you may read it And I desire you will be so kind as to take up what Letters may come for me, and forward them as usual.

While with his regiment another misfortune befell the Duke—one of the few misfortunes that cannot be traced to his own fault. "He receiv'd an Affront from a Mask, whom he did not know, one Night when he was conducting some Ladies from a Ball; this happen'd in *Barcelona*, where he was in Garrison," the incident is chronicled by the Marquis d'Argens. "Having, upon Enquiry, discover'd this Person to be no more than a Valet, in the Service of the Marquis of RISBURGH, Governor of *Catalonia*, and giving Scope to the first Impulse of his Passion, he can'd him severely in return for his Insolence. The Domestic complain'd of this Usage to his Master, who neglected it for sometime, imagining the Duke would have sent him a complimentary Excuse, which he omitted, either not looking on himself as oblig'd to do so, or thinking the Fellow would never have the Boldness to address the Marquis, who, piqu'd at his Grace's Proceedings, in two Days after sent him Notice of Arrest, which he obey'd, and retired to Mont-Ioni, and, in a short Time, was ordered to quit. This he absolutely refus'd to do without express Orders from Court, which he believ'd would condemn the haughty Proceeding of the Governor. But how did he find himself deceiv'd! The Marquis had Interest enough to obtain Orders for the Duke to retire to the Garrison, and not re-enter the Town upon any Account."[1] If the Marquis's Account is correct, then assuredly very harsh measures were meted out to the Duke, but from what one knows of him, it is probable

[1] *Memoirs of the Count du Beauval*, 68.

there were circumstances in the case not known to the narrator The Duke's position, in spite of his circumstances, would almost certainly have prevented his being the victim of so flagrant an act of injustice.

The Duke's excesses, and especially his habitual intemperance, which caused Christopher Pitt to write,

> "Some folks are drunk one day, and some for ever;
> And some, like Wharton, but twelve years together."

had undermined his constitution, and already at the beginning of the year 1728, when he was but nine-and-twenty years of age, he had once been so ill, that it was thought that the end had come, and the last rites of the Roman Catholic Church were administered. He recovered, however; though never again did he regain his full health, and during the rest of his life was subject to fits of a very painful nature. Early in 1731, when he was still with his regiment, his strength had declined, until he could scarcely use his limbs, and it was only with the utmost difficulty that he could walk from his bed to the fireplace. This illness lasted a couple of months, and then he was removed to the mountains of Catalonia, where the mineral waters benefited him to some slight extent It was during his convalescence that he took up the fragment of his play, "Mary, Queen of Scots," and endeavoured to make some progress with its composition. He may or may not have added to it—there is no evidence either way—but it is improbable that there was much result from his labour, for even when he was well he could never concentrate upon any lengthy work, and when he was ill it is unlikely that he could bring his mind to bear on any subject involving prolonged thought.

Presently, partially recovered, he rejoined his regiment at Terragona, but soon had a relapse. Going again to the mountains, he was *en route* taken seriously ill at a

small village, and was left in a cottage, destitute of any proper assistance, until the charitable Fathers of the Franciscan Monastery of Poblet heard of his distress and took him to their house. He languished for a week, and, attired in the habit of the Order, passed away, without one friend or acquaintance to close his eyes, on May 30, 1731, in the thirty-third year of his life. According to the Father who was present, he made a very penitent and Christian end He was buried the next day in the same simple manner as that in which the Monks were interred. He was commemorated by a stone inserted in the pavement of the chapel of the Abbey, apart from the other monuments, on which was inscribed in Roman capitals the following legend:—

HIC. IACET. EX'MVS.
D. PHILIPPVS. DE WHAR
TON. ANGLVS. DVX
MARCHIO. ET. COMES
DE WHARTON. MARCHIO
DE MALSBVRSI. ET. CACHAR
LOCH. COMES. RATHAS
EASNVM. VICECO
MES. DE. WINCHINDON
BARO. DE. TRIM. EQVES DE
S. GEORGII. (alias
DE. LA. GERRATERA)
OBIIT. IN FIDE. EC
CLESIÆ. CATHOLICÆ
ROMANÆ. POPVLETI
DIE. 31. MAII. 1731.[1]

[1] *Notes and Queries*, 9S. II. 326; April 26, 1902.

APPENDICES

A. Patent creating the Marquis of Wharton Duke of Wharton.

B. Dedications to the Duke of Wharton prefixed to

(i) A Bold Stroke for a Wife. By Mrs Centlivre. 1719.

(ii) The Revenge. By Edward Young. 1721.

(iii) The Revolutions of Portugal. Written in French by the Abbot de Vertot. Done into English from the last French edition [by Gabriel Roussillon]. 1721.

(iv) Francis, Lord Bacon: or, The Case of Private and National Corruption and Bribery impartially consider'd By an Englishman

C. The Duke of Wharton's Speech in the House of Lords on the Third Reading of the Bill to inflict Pains and Penalties on Francis Atterbury, Bishop of Rochester, May 15, 1723.

D. Outlawry of the Duke of Wharton.

E. Instructions to prepare a Patent granting the Estates of the late Duke of Wharton.

F. Patent granting the Estates of the late Duke of Wharton.

G. The Will of Maria, Duchess of Wharton.

PATENT CREATING THE MARQUIS OF WHARTON DUKE OF WHARTON

Ð coñ marquis of Wharton creacon. Rex ẽc. archiepis ducibz marchionibz comitibuz epis baronibz militibz prepositis liberis hominibz ac ōibz officiariis ministris et subditis nostris quibuscunqz ad quos presentes ire ñre ꝑvenerint salẽm. Quemadmodum subditis illustri genere prognatis preclaras majorum suorum virtues sibi in exemplum proponere dulce est et decorum ita regum antecessorum nostrorum more honores benemerentibz decernere nobis pariter jucundum est et gloriosum hoc consilio ꝑquam fidelem et sincere dilectum consanguineum nostrum Philippum marchionem de Wharton et Malmsbury novis titulis augemus qui licet nobili et ꝑvetustâ stirpe oriundus tot patrie presidia uot proavos numerare possit maluit ꝑpriis virtutibz inclarescere patris sui non ita pridem defuncti haud immemores quantum ei debuit publice libertatis et religionis reformate strenuo vindici Rex invictissimus Gulielmus tertius grato animo recolunt Britanni de nobis etiam tantum meruit vir egregius qui cum jus nostrum in regni hujusce successionem in discrimen adduceretur consiliorum auctoritate ingenii acumine animi constantiâ res nostras periclitantes sustentaverit ut ineunte imperio nostro marchionis dignitatem tanquam favoris nostri primitias assequeretur ab uberioris benevolentie indiciis non nisi per mortem et nobis et reipublice prematuram abreptus dum talem tanti viri filium genitoris vestigiis inherentem et per omnia pittissantem intuemur dum eximii juvenis elo-

quentiam quam in senatu Hibernico summa cum laude exercuit et animum recente adhuc adolescentia gravisimis reipublice negotiis intentum respicimus honorem ei lubentur designamus nec meritis suis majorem nec celeriorem bonorum civium expectatione. Sciatis igitur quod nos de gratia nostra speciali ac ex certa scientia et mero motu nostris ꝑfat̃ perquam et sincere dilectum consanguineum nostrum Philippum marchionem de Wharton et de Malmesbury in ducem de Wharton in com̃i ñro Westmorland necnon ad statum gradum stilum titulum dignitatem nomen et honorem ducis de Wharton ꝑdict̃ ereximus ꝑfecimus insignivimus constituimus et creavimus ipsumq3 Philippum marchionem de Wharton et de Malmsbury in ducem de Wharton ꝑdict̃ necnon ad staum gradum stilum titulum dignitatem nomen et honorem ducis de Wharton ꝑdict̃ tenore ꝑsentium erigimus ꝑficimus insignimus constituimus et creamus eidemq3 Philippo marchioni de Wharton et de Malmsbury nomen stilum titulum statum gradum dignitatem et honorem ducis de Wharton ꝑdict̃ imposuimus dedimus et ꝑbuimus ac p sen̄ꝑtes imponimus damus et prebemus ac ipsum Philippum marchionem de Wharton et de Malmsbury hũmõi nomine stilo titulo statu gradu dignitat̃ et honore ducis de Wharton ꝑdict̃ p gladii cincturam cape honoris et circuli aurei imposic̃onem in caput et tradic̃onem virge auree insignimus investimus et realiter nobilitamus per ꝑsentes habend̃ et tenend̃ ꝑdict̃ nomen stilum titulum statum gradum dignitãm et honorem ducis de Wharton ꝑdict̃ cum omnib3 et singl̃is ꝑeminentiis honorib3 ceterisq3 hũmõi nomini stilo titulo gradui dignitati et honori ducis de Wharton ꝑdict̃ ptinen̄ sive merten̄ ꝑfat̃ Philippo marchioni de Wharton et d

Malmsbury et heredibz masculis de corpore suo ſitime exeuñ impp̃m. Et ulterius volumus ac per p̄sentes p nobis heredibz et successoribuz ñris concedimus p̄fat̃ Philippo marchioni de Wharton et heredibz mascul de corpore suo ſitime exeuñ quod ipse p̄dcus Philippus marchio de Wharton et de Malmsbury et heredes sui masculi predc̃i nomen stilum titulum statum gradum dignitatem et honorem ducis de Wharton p̄dict̃ successive gerant et ħeant et eoz̄ quilt gerat et ħeat et per nomen ducis de Wharton p̄dict̃ successive vocentur et nuncupentur et eoz̄ quilt vocetur et nuncupetur. Et q̃d idem Philippus marchio de Wharton et de Malmsbury et heredes sui masculi p̄dc̃i successive ut duces de Wharton p̄dict̃ teneantur tractentur et reputentur et eoz̄ quilt teneatur tractetur et reputetur ħeantqz teneant et possideant et eoz̄ quilt ħeat teneat et possideat sedem vocem et locum in parliamenť at publicis comitiis atque consiliis ñris heredū et successoz̄ ñroz̄ infra regnū ñrum Magne Britannie inter aſ proceres et magnates ejusdem regni ut duces de Wharton predict̃ necnon quod d̄cus Philippus marchio de Wharton et de Malmsbury et heredes sui masculi p̄dc̃i gaudeant et utantur et eoz̄ quilt gaudeat et utatur per nomen ducis de Wharton predict̃ õibz et sing̃lis juribz privilegiis p̄eminentiis et im̃unitat statui ducis in õibzerite et de jure pertineñ quibus ceteri duces hujus regni Magne Britannie ante hec tempora melius honorificentius et quietius usi sunt et gavisi seu in p̄senti gaudent et utuntur. Et ulterius volumus ac per p̄sentes pro nobis heredibz et successoribz ñris concedimus quod he ſre ñre patentes vel irrotulamenť earundem sufficieñ et et effectuaſ in lege sint ad ipsum Philippum marchionem̄ de Wharton et de Malmsbury et heredes suos masculos p̄dc̃os nomine

titulo dignitate et honore ducis de Wharton ꝑdict̃ insigniend̄ investiend̄ et realiter nobilitand̄ et hoc absq3 aliquib3 investitur̃ ritib3 ornament̃ aut ceremoniis quib3cunq3 in hac parte debit̃ et consuet̃ quas propter quasdam causas nobis melius cognit̃ debo modo ꝑagere et prestare non potuimus aliq̃ usu consuetud̄ ritu ceremonia ꝑscripc̃one aut provisione in hiimõi honoi conferend̄ debit̃ usitat̃ hend̄ fiend̄ aut prestand̄ aut aliquo alio in contrariū inde non obstañ. Volumus etiam ꝛc̃. absq3 fine in hanaperio ꝛc̃. In cujus rei ꝛc̃ Teste Rege apud Westm̃ vicesimo octavo die Januarii.

per br̃e de privat̃ sigill̄.

(i)

THE DEDICATION TO THE DUKE OF WHARTON PREFIXED TO "A BOLD STROKE FOR A WIFE." BY MRS CENTLIVRE. 1719.

My Lord,

It has ever been the Custom of Poets to shelter Productions of this Nature, under the Patronage of the brightest Men of their Time; and 'tis observ'd, that the Muses always met the kindest Reception from Persons of the greatest Merit. The World will do me Justice as to the Choice of my Patron, but will, I fear, blame my rash Attempt, in daring to Address Your Grace, and offer at a Work too difficult for our ablest Pens, *viz.* an Encomium on Your Grace: I have no Plea against such just Reflections, but the Disadvantage of Education, and the Privilege of my Sex.

If Your Grace discovers a Genius so surprising in this Dawn of Life, what must your riper Years produce? Your Grace has already been distinguish'd in a most peculiar Manner, being the first Young Nobleman that ever was admitted into a House of Peers before he reached the Age of One and Twenty: But Your Grace's Judgement and Eloquence soon convinced that August Assembly, that the excelling Gifts of Nature ought not to be confin'd to Time. We hope the Example which *Ireland* has set, will shortly be followed by an *English* House of Lords, and Your Grace made a Member of that Body, to which You will be so conspicuous an Ornament.

Your good Sense, and real Love for your Country, taught Your Grace to persevere in the Principles of your Glorious Ancestors, by adhering to the Defender of our Religion and Laws: and the penetrating Wisdom of

Your Royal Master, saw you merited your Honours e'er he conferr'd them. It is one of the greatest Glories of a Monarch, to distinguish where to bestow his Favours and the World must do ours Justice, by owning Your Grace's Titles most deservedly worn.

It is with the greatest Pleasure imaginable the Friends of Liberty see You pursuing the Steps of Your Noble Father: Your Courteous, Affable Temper, free from Pride and Ostentation, makes Your Name ador'd in the Country, and enables Your Grace to carry what Point You please. The late Lord *Wharton* will be still remember'd by every Lover of his Country, which never felt a greater Shock than what his Death occasion'd. Their Grief had been inconsolable, if Heaven, out of its wonted Beneficence to this Favourite Isle, had not transmitted all his Shining Qualities to you, and, Phœnix like, raised up one Patriot out of the Ashes of another.

That Your Grace has a high Esteem for Learning particularly appears by the large Progress you have made therein: and Your Love for the Muses shews a Sweetness of Temper, and Generous Humanity, peculiar to the Greatness of Your Soul; for such Virtues reign not in the Breast of every Man of Quality.

Defer no longer then, my Lord, to charm the World with the Beauty of Your Numbers, and shew the Poet as you have done the Orator, convince our unthinking *Britons*, by what vile Arts *France* lost her Liberty; and teach 'em to avoid their own Misfortunes, as well as to weep over *Henry* IV., who (if it were possible for him to know) would forgive the bold Assassin's Hand, for the Honour of having his Fall celebrated by Your Grace's Pen.

To be distinguish'd by Persons of Your Grace's Character, is not only the highest Ambition, but the greatest Reputation to an Author; and it is not the least of my Vanities, to have it known to the Publick I had Your Grace's Leave to prefix Your Name to this Comedy.

I wish I were capable to cloath the following Scenes in such a Dress, as might be worthy to appear before Your Grace, and draw your Attention as much as Your Graceful Qualifications do that of all Mankind; but the Muses, like most Females, are least liberal to their own S

All I dare say in Favour of this Piece is, that the Plot is entirely New, and the Incidents wholly owing to my own Invention; not borrowed from our own, or translated from the Works of any foreign Poet; so that they have at least the Charm of Novelty to recommend 'em: If they are so lucky in some leisure Hour to give Your Grace the Least Diversion, they will answer the utmost Ambition of, my Lord.

Your GRACE'S *most Obedient,*
Most Devoted, and
Most Humble Servant,
SUSANNA CENT-LIVRE.

(11)

THE DEDICATION TO THE DUKE OF WHARTON, PREFIXED TO "THE REVENGE." BY EDWARD YOUNG. 1722

MY LORD,

Were I a stranger to your Grace, I should not be afraid to solicit your patronage, since you have taken the politer arts into your protection, and they who endeavour to excel in them are in effect making their court to you. But I can plead more than a common title to this honour. Your Grace has been pleased to make yourself accessory to the following scenes, not only by suggesting the most beautiful incident in them, but by making all possible provision for the success of the whole. Your great delicacy of taste in compositions of this kind has so assisted this poem, and the indulgence of your nature has so endeavoured to shorten the great distance between your Grace and its author, that I have been scarce able to consider you in any other light, than as one entirely devoted to these amusements, and pursuing the same studies with myself.

The world, which is large in your praises of another nature, will be surprised to hear me speak of your Grace in this manner. They talk of one abounding in all the grace and power of public eloquence, and eminently

furnished with those particular talents which qualify for shining in the highest stations, and influencing the national welfare:—of one who made a name in senates in his minority; and who now, at an age which in some well-constituted states would exclude him their grand council, has finished a reputation in that of Great Britain, and gained those for his greatest admirers who are themselves most admired there:—one who, through this whole memorable session, has acted in the spirit of a Regulus, vigorously opposing measures in which he might have found his private advantage, and exerting the noblest indignation and contempt for those who, like the old Carthaginians, were equally famous for their riches and their faith:—one who, if he advances in proportion to his first degree of glory, shall not thank posterity for ranking him with the most celebrated this nation has produced, though his great father be in the number of them.

His country may with pleasure reflect, that when he has any thing of moment in his view, there is nothing which can either break his resolution, tire his activity or limit his expense. His spirit increases on resistance; and, like a great flame, it burns the stronger, and shines the brighter, in proportion to the violence of the storm that offends it. In the present troubled state of affairs in which the Nation fluctuates, how has he strove against the power of wind and tide to assist her into harbour while some have endeavoured to tear her to pieces, in order to provide for their private safety, and swim ashore on her ruins!

Thus speaks the world. I, my Lord, whose knowledge of your Grace lies more in private life, can tell them, in return, of one who can animate his country retirement with a kind of pleasure sometimes unknown to persons of distinction in that scene:—who can divide the longest day into a variety of polite and useful studies and appoint the great men of antiquity their stated hours, to receive (if I may so speak) their audience of him:—who is an excellent master of their history in particular; and, observing how Nature in a course of years is apt to come round again, and tread in her own footsteps, has a happiness in applying the facts or char

acters of ancient to modern times; which requires a beautiful mixture of learning and genius, and a mind equally knowing in books and men:—who can carry from his studies such a life into conversation, that wine seems only an interruption of wit:—who has as many subjects to talk of, as proper matter on those subjects, as much wit to adorn that matter, and as many languages to produce it so adorned, as any of the age in which he lives. And yet so sweet his disposition, that no one ever wished his abilities less, but such as flattered themselves with the hope of shining when near him.

But there are still superior qualities which I am obliged to remember, as is the society to which I belong, and to return him our thanks for his late donation to it; which is so noble, that it had laid us under the greatest obligation, though it had been from another; though it had been from one whose quality and character would have made a far less addition to it, and who had not, by the most graceful and engaging manner of conferring it, more than doubled its value. As for my own particular obligations to him, I shall not endeavour to express myself in words; but beg leave to refer him to the whole future course of my life for my sense of them. My present fortune is his bounty, and my future his care; which, I will venture to say, will be always remembered to his honour, since he, I know, intended his generosity as an encouragement to merit, though (through his very pardonable partiality to one who bears him so sincere a duty and respect) I happen to receive the benefit of it.

They who are acquainted with your Grace, will be of opinion that I make your goodness but an ill return by the liberty I now take. But though it be true that they who merit praise most affect it least, it is also true that to commend what is excellent is a debt we owe the public. In regard to which, how ill soever you may relish it, I have made no scruple to use you as you deserve: and my comfort is, I can take refuge in your Lordship's own example, for preferring the public before you.

But, if you are still dissatisfied, I shall only say, it is hard that your Grace should join with your enemies (who will equally dislike it) gainst me. For enemies,

my Lord, you have; nor am I sorry for it. All shining accomplishments will be for ever either loved or envied; and next to the person who pays you his esteem, he bears the best testimony to the superiority of your character who hates you for it. I give you joy of those foes your great qualities have made And I congratulate you in a particular manner, that *they* are the most inveterate to your Grace, *whom* your country pursues with her greatest dislike. It is no reflection on those who wish you best, to say, They will hardly be able to contribute more to your glory.

I am, my Lord,
Your Grace's most dutiful, and most humble servant,
EDWARD YOUNG.

(iii)

THE DEDICATION TO THE DUKE OF WHARTON PREFIXED TO "THE REVOLUTIONS OF PORTUGAL WRITTEN IN FRENCH BY THE ABBOT DE VERTOT. DONE INTO ENGLISH FROM THE LAST FRENCH EDITION." [BY GABRIEL ROUSSILLON]. 1721.

May it please your Grace,

I am not ignorant of the Censure I lay myself open to, in offering so incorrect a Work to a Person of Your Grace's Judgment; and could not have had Assurance to do it, if I was unacquainted with Your Grace's Goodness. As this is not the first time of this excellent Author's appearing in *English*, my Undertaking must expose me to abundance of Cavil and Criticism; and I see myself reduced to the Necessity of applying to a Patron who is able to protect me. Our modern Dedications are meer Daub and Flattery; but 'tis for those who know no better: Your Grace cannot be flatter'd; every body that knows the Duke of WHARTON will say, there is no praising him, more than he deserves. But like other great Minds, Your Grace may be blind to your own Merit, and imagine I am complimenting, or doing something worse, while I am only giving your just Character; for which reason, however fond I am of so noble

a theme, I shall decline attempting it. Only this I must beg leave to say, Your Grace can't be enough admir'd for the Universal Learning which you are Master of, for your Judgement in discerning, your Indulgence in excusing, for the great Stedfastness of your Soul, for your Contempt of Power, and Grandeur, your love for your Country, your Passion for Liberty, and (which is the best Characteristick) your Desire of doing Good to Mankind. I can hardly leave so agreeable a Subject, but I cannot say more than all the World knows already.

Your Grace's illustrious Father has left a Name behind Him as glorious as any Person of the Age: it is unnecessary to enter into the particulars of his Character; to mention his Name, is the greatest Panegyrick: Immediately to succeed that Great Man, must have been extremely to the Disadvantage of any other Person, but it is far from being so to Your Grace; it makes your Virtues but the more conspicuous, and convinces us the Nation is not without one Man worthy of being his Successor.

I have nothing more to trouble Your Grace with, than only to wish you the Honours you so well deserve, and to beg you would excuse my presuming to honour myself with the Title of,

May it please your Grace,
Your Grace's most obedient,
Humble Servant,
GABRIEL ROUSSILLON.

(iv)

THE DEDICATION TO THE DUKE OF WHARTON PREFIXED TO "FRANCIS, LORD BACON: OR, THE CASE OF PRIVATE AND NATIONAL CORRUPTION AND BRIBERY IMPARTIALLY CONSIDERED. BY AN ENGLISHMAN. 1721.

MY LORD,

I must own I shall want your Pardon for the Presumption of throwing these sheets at your Feet, without Your Grace's Leave to warrant me in it: A Presumption which is owing to my Unhappiness in not being

personally known to You, and at a loss how to be introduced to Your Grace.

It is, indeed, in some sort, a Crime against Ceremony; but a much less Crime than those *Dedicators* commit, who abuse a Great Man with his own leave, by libelling him with Praises, which every body are ready to agree he has no Title to

Flattery, My Lord, is not design'd to have any Portion in this Address; there are Reasons for which Your Grace is more strongly entitled to these sheets than any other Nobleman in *England*: and for those Reasons only, they are with all Humility inscrib'd to You. It is Your Grace's real and vigorous Behaviour, in the greatest Assembly in Europe, that draw this Address of Thanks upon You: The Resolution you have shewn in prosecuting the *known* Betrayers of your Country, and your Accuracy in searching out the *latent* Traytors, (who, like miners in a siege work unseen, and finish their Designs with more sure Destruction) have distinguish'd Your Grace as a *Patriot*, that has the Welfare of these Nations much at heart, and is both compassionate and resentful, of the Injuries with which they are wounded.

The World allows to Cicero as great Praise for detecting and prosecuting those concern'd with Catiline in his Conspiracy, as to Fabius, or Scipio, for the greatest Conquests obtain'd in the Field: Nor shall we owe less to those Patriots, who distinguish'd themselves against *This* conspiracy; which, tho' differing in Circumstances, resembles It in its Consequences: nay, is bigger, we may say, of Mischief, than *That* of Catiline, by as much as the Ruin of a whole Country is a more pernicious Piece of Villany, than the Burning of any single City.

It was observ'd to the eternal Praise of Cicero, that he was *resolute* and *bold* in the Senate; Virtues at that time peculiarly necessary, when the Criminals were of such Power and Sufficiency, as to be able to shock the State. May Your Grace have the *Success* as you have the *Resolution*, of this Great Man! You come to the Business furnish'd with all his discerning Faculties; and the same unwearied Application appears in Your Grace to trace these Frauds to their most hidden Sources.

Cicero had been long inur'd to Pleadings at the Bar, and train'd up his Eloquence in private causes, before he signaliz'd himself to the State by that Discovery: Your Grace has had the Advantages of no such Exercise; but You start upon the World at once with all the Powers and Address of a consummate Orator and able Statesman. You emulate Him in all his Graces, without lessening those happy Talents by his Prodigity, or Self-Admiration.

It has been look'd upon as the Misfortune of this degenerate Age, that Many think they are chosen into Offices to serve Themselves, and not the Publick: Wealth and Acquisition of Fortune to These, is all the Fame they pant for; and Poverty with a clear Heart seems a Disgrace infamous and unsupportable: such Great Men, as my Lord Halifax has finely observ'd, are remarkable for Nothing but their Greatness; like prodigious Mountains, whose Heights astonish us, but when we come to examine them, we find they produce neither Herb nor Plant.

Your Grace has very different Sentiments of Nobility; your Breast burns with Emulation of other Honours, than what are deriv'd from vast Estates, and a Pomp of Titles. You think like Cato, that a Nobleman ought not to be a private Man, *Non Sibi, sed Patriæ natus.*[1]

But I am stepping into a Character, which They, who do not know Your Grace's Virtues, will think Flattery; and they, who envy them, will hate for eclipsing their own. I was almost going to wish, that Your Grace may continue the Hatred of the Latter, who make such a despicable Figure in Greatness; that is, that you may shine out still in full lustre, and animate those to such real Grandeur by your bright Example, that every Nobleman of *England* may be a *Patriot* for his Country: That the Interest and Honour of the Publick may be so much their Concern, that Self-Interest and sordid Views may not dare to shew themselves in that Illustrious Body. I am, with the most profound Respect,

My Lord,

Your Grace's most Devoted and Obedient Humble Servant,

BRITANNICUS.

[1] Lucan ii 383 Nec sibi, sed toti genitum se credere mundo.

THE DUKE OF WHARTON'S SPEECH IN THE HOUSE OF LORDS ON THE THIRD READING OF THE BILL TO INFLICT PAINS AND PENALTIES ON FRANCIS ATTERBURY, BISHOP OF ROCHESTER, MAY 15, 1723.

Some words which have fallen from the Reverend Prelate, who spoke last, have made it, in some measure, necessary for me to trouble your Lordships with the Reasons that induced me to differ with him in Opinion, and to give my negative to the Bill now depending before us

If I don't misunderstand his Lordship (and if I should mistake his meaning, I hope he will set me right) he was pleased to say, that persons without doors would be apt to cast different reflections on the particular behaviour of every Lord this day; that those who were for the passing of this Bill would be accused of malice and partiality; and those who were of contrary sentiments would be branded with disaffection to the present happy establishment.

For my part, I am far from thinking that considerations of this nature will have the least weight with any of your Lordships, and am very certain that every one who gives his vote on this important occasion, has attended, with the greatest care, to the evidence that has been given at your bar, which is the foundation of this day's debate.

The proofs that have been brought to support the charge, and the Bishop's defence, are to be thoroughly considered; and when your Lordships proceed according to the rules of justice, you will not fear, nor value, any consequences, which may attend the discharging of your duty

So far I will venture to affirm, that the best way to shew our zeal to his Majesty, and the present Government, is, to act, in all cases, both in our judicial and legislative capacities, with that honour and impartiality, as ought to flourish in this great Council of the Nation

I could have wished the noble lords who have given their reasons for the passing this extraordinary law, would have entered into the particular circumstances of this case, and considered it singly on its own merits, but instead of speaking on that head, I cannot but take notice, that they have wandred from that (which ought to have been their only consideration) into learned discourses on bills of this nature in general.

I shall not trouble this House with any arguments against Attainders. Many Lords, of greater weight and abilities than myself, have already spoken fully to this point in the preceding debates.

I shall only so far agree with the reverend prelate, who spoke before me, that it is proper, that such a power of punishing by Bill, should be vested in the Legislature to be exercised on extraordinary emergencies: but then I must add, if ever that power is abused, if ever it is employed to destroy innocent persons, it is evident, that the lives, liberties, and fortunes of every subject in Britain, are in the utmost danger, and liable to be sacrificed to the fury of a party.

It has been admitted, that every Bill of Pains and Penalties is to stand upon its own bottom; and that the passing of one Act of this nature, is not to be brought as a precedent for the supporting of another, unless there be convincing evidence to inforce each case. And therefore the proper consideration now before us is, whether the evidence offer'd against the unfortunate prelate is sufficient to induce your Lordships to believe him guilty of the heavy crimes of which he stands accused?

My Lords, I shall take the liberty of considering the whole proofs that have been brought on this occasion, both by way of charge, defence, reply, and rejoinder, and though I own myself very unequal to this task, yet, since no other lord, who could do it much better, has undertaken it, I think it my duty, as a peer, and as

an Englishman, to lay it before your Lordships in the best manner I am able.

The method I shall observe for the more clear stating of the case, shall be, to lay every particular branch of evidence before you, and to distinguish the several parts of the accusation, and consider them separately, to avoid confusion, and to be the more exact in what I have to offer

I hope I shall have your Lordships' indulgence for taking up so much of your time as this will require; but I assure you, I shall endeavour to be as brief as the nature of the thing will admit, and will intrude on your patience as little as possible.

I must also desire your Lordships will pardon me, if I repeat several arguments that have been used by the Council at the bar; and if I even mention some things which fell from me in the debate on Mr Kelly's Bill, whose case is very much interwoven with the present; so that it is almost impossible to avoid it.

Before I go any further, I cannot but say, that were these crimes plainly proved against the Bishop of Rochester, his sacred function and station in the church, would be aggravations of his guilt; but, as this is certain on the one hand, so on the other, your Lordships will require very clear demonstration, before you can think it possible for a Bishop of the Protestant Church (who has signalized himself in defence of the Reformation, and the only one of that Bench where he had lately the honour of sitting, that ever wrote in favour of Martin Luther) to ingage into a conspiracy for introducing Popery and Arbitrary Power amongst us.

My Lords, the Council for the Bill opened the charge with acquainting the House, that it was only to be supported by producing of decyphered letters full of fictitious names and cant words; they were so very fair as to confess, they had not one living witness that could charge the Bishop with any thing, nor even so much as a letter under his own hand, therefore, on the first view, this manner of condemning, on such kind of evidence, ought to require our utmost caution, lest we should establish a method, which our enemies may hereafter take to

destroy the greatest and most innocent subject in the kingdom.

Mr Wearg cited two cases, which he would willingly have us receive as precedents to justify the admitting of circumstantial evidence: the one was, the case of Ashton, who was condemned on circumstances only; but, my Lords, this was before the Treason Act was passed, which requires two positive witnesses, and nothing could induce the legislature to pass that law, but a thorough conviction of the danger that might attend the admitting of any proofs which were not positive or certain.

The second case he cited, was that of Harrison, for the murther of Dr Clinch, and the learned gentleman tells you, that it was the pulling out of a handkerchief that led to the discovery of that murder. It is very certain, circumstances may lead to the discovery of evidence; but must be well supported before they can be converted into convincing proofs.

The first piece of evidence that was offered at the bar, was, the extracts of letters from abroad, which this House seems, in some measure, to have declared to be immaterial, when they did not so much as desire to see copies of the whole letters, nor the originals, and even admitted one to be read which was anonymous: but it will not be improper to observe, that through this whole correspondence the Bishop of Rochester is not named. And therefore I cannot see why they took up our time with reading papers quite foreign from this case; especially since everybody allows there has been a conspiracy, which is the only fact to be gathered from this correspondence.

The next point which was attempted to be proved, was, that Captain Halstead went to fetch the late Duke of Ormond, and was at the Deanary with the Bishop before he imbarked; there are also two letters found in the Bishop's close-stool from this gentleman to his lordship, which were read, and are only appointments for visits, but mention nothing of this design; and, I think, there was a Coachman, that proved Halstead was an hour with him some days before he left London.

This, my Lords, was opened as a matter of great im-

portance; but your Lordships must remember, that tl supposed design of Halstead's bringing the late Dul of Ormond unto England, is only proved by hearsa One of the crew belonging to the ship in which he wen has deposed, that it was the common report at Bilbo that Halstead came there on that errand.

How far common fame is to prevail, I submit. bi if this hearsay were true, is every person who was a hour with this gentleman before his departure, supposed be privy to this project? And what a strain'd constru tion is it to insinuate, the Bishop of Rochester knew his intention, because he received a visit from Halstea who was a tenant under his bishoprick? And this the more extraordinary, since it has not been so muc as pretended, that any correspondence has passed betwee the reverend prelate and the late Duke

They then produced letters directed to one Dumvi which were decyphered. And Mr Wills was examine to prove, that they were rightly and justly explained.

My Lords, it very well deserves your Lordships' co sideration, how far this kind of evidence is to be admitted it has appeared to your Lordships by the oath of M Wills himself, that it is an art which depends upon co jecture; for this gentleman has confessed, that eve man is liable to a mistake in this, as well as in oth sciences; he tells you, that he and his brother decypher varied in one or two instances; he allows, that tl chasms, which they were forc'd to leave in those letter might alter the sense of them. And, therefore, I cann but think that an accusation grounded on such proo is uncertain and precarious

The person who is the decypherer, is not to be confute and what he says must be taken for granted, becau the key cannot be produced with safety to the publicl and, consequently (if his conjectures be admitted to l evidence) our lives and fortunes must depend on the sk and honesty of decypherers, who may with safety impo on the legislature when there are not means of contradic ing them for want of seeing their key.

My Lords, in the case of Coleman, the key was printe as has been well observed by the council at the ba

and I am very much surprized, that gentlemen of such abilities and integrity, as the members of the Secret Committee in another place (who were so exact as to print the French originals to the translated letters, that the world might see how just and candid the prosecutors of the Plot were) did not, for the satisfaction of the publick, permit us to see the key in print, on the truth of which depends such a chain of consequences

I own myself intirely ignorant of this art: but, as I should be very far from condemning a man on my own conjecture, I should much less do it on the conjectures of others.

The greatest certainty human reason knows, is, a mathematical demonstration, and were I brought to your Lordship's bar to be try'd upon a proposition of Sir Isaac Newton's, which he upon oath should swear to be true; I would appeal to your Lordships, whether I should not be unjustly condemned, unless he produced his demonstration, that I might have the liberty of inquiring into the truth of it, from men of equal skill?

I cannot think any man will allow evidence of this nature to be good; but if in this case relating to the decyphered letters to Dumvill, your Lordships should admit it, there is nothing mentioned in them that can affect the Bishop, neither is he at all nam'd in them, but they are only brought to prove the conspiracy in general.

The examinations of Mr Neyno are the next points that are laid before your Lordships; and, indeed, I must do the gentlemen at the bar the justice of saying, that they forbore mentioning any thing of them, when they opened the charge.

They were so sensible that such proofs could not have the least weight to affect the Bishop, that tho' in the case of Mr Kelly they were produced against him as very material to support that Bill, yet they did not think proper to name them against the Bishop; which I am thoroughly persuaded, is owing to what appeared at your bar by the examination of Mr Bingley, and the universal opinion which every person seemed to have of the villany of Mr Neyno's transactions.

My Lords, these examinations were never signed by the person, neither was he ever examin'd to 'em upon oath; so that, were they of consequence, and he a person of credit, they could not be admitted to affect any person whatsoever, in any Court of justice or equity. I don't mean, that they could not be read according to the strict rules of Westminster Hall; which is admitted on all sides they could not; but I dare affirm, that no credit can be given to 'em on any account whatsoever.

The person was closely confin'd, and consequently in the hands of the Government, so that he was at that time under the greatest apprehensions, which might in some measure, prevent him from speaking truth with that sincerity and candour, of which every person ought to be master, when he is examined on matters of such nice nature.

Though these papers were intirely given up by the Council for the Bill, yet the extract of them was read and they are the visible foundation of this charge; and if they are insignificant, the whole accusation falls to the ground: for the whole proof of the Bishop's dictating to Mr Kelly, depends on Mr Neyno's bare affirmation.

The whole of what Neyno says, or is supposed to say is, that Mr Kelly told him he wrote the Bishop's letter for him; Mr Kelly denies it, and Mr Neyno was so conscious that he had been guilty of many crimes, that he endeavoured to withdraw from justice, and the providence of God, it is said, intercepted him.

My Lords, if you will consider the improbabilities of this evidence, although it were upon oath and signed by him, it cannot be supported He tells you, that he was intrusted to draw up Memorials to the Regent; yet none of those have been produced, and yet it is apparent the copies of them might, with ease, have been obtained if he had been as thoroughly pressed to deliver them as he was to declare he wrote them.

These memorials, he says, were wrote by the order of Mr Henry Watson, whom he takes to be the late Earl Marshall; and I am certain your Lordships don't think that fact material, when you came to a resolution that the Bishop of Rochester should not be at liberty

to ask, if enquiry was made of the said Neyno, or if he gave any satisfaction to the Lords of Council, touching that important fact of Watson's, whom he took to be Earl Marshall, lying with him several nights.

It was very well observed by a learned gentleman at the bar, that no-body can believe the late Earl Marshall would have reposed so great a confidence in a person, who was intirely a stranger to him, and of such little note; and the Jacobite party must be in a low condition, when they make use of such a creature to write papers of that importance.

There is so much improbability in this and other points, and so much contradiction in several parts of his examinations, that they appear to me, and must to all reasonable men, as the dictates of fear, and not agreeable to truth.

He mentions, that the reverend prelate, (for such I still may call him) had some favours offer'd him by the Court; but that cannot be true, and must be added to the rest of these absurdities.

But, my Lords, what, in my opinion, clears up all these matters, and makes it impossible for me to give the least credit to this, or any other part of the charge, are, the several testimonies of Bingley, Skeen, and Stewart.

I must observe to your Lordships, that the two first persons, Bingley and Skeen, are actually now in separate custodies; and, consequently, could have no communication one with another. The third is at liberty; but his testimony is so thoroughly supported by Mr Gordon and Mr Kynaston, that no doubt can arise as to the veracity of it.

These gentlemen, who are in the hands of the Government, are under hopes and fears, and therefore, it is certain, when they speak a language, which, perhaps, may be disagreeable to those on whom they at present chiefly depend, it must be the spirit of truth that prevails.

Mr Bingley was before us in the case of Kelly, and was also examin'd at the bar of the House of Commons, though not upon oath; and though he has been more severely treated, as he told your Lordships, and more strictly confined since his first examination, yet he has

persisted in his story; and though he was so long at your bar, and so many questions put to him, yet he never varied in any one circumstance, but appeared consistent through the whole course of his behaviour.

I shall not detain your Lordships with recapitulating his whole evidence, for I did it very fully on a former occasion. But your Lordships will remember, he told you, Neyno abounded in money, which Neyno said (after he was apprehended at Deal) an honourable person (and on this occasion, I hope, I may name him) Mr Walpole gave him: and more particularly, he mentions £50 which Neyno said he received the night before he went to France.

Bingley told your Lordships, that Neyno has assured him, he used to meet this honourable person in the stable yard at Chelsea; and, my Lords, the errand on which he was going to France, was, to discover some secrets relating to cyphers, which he would have ingaged Bingley to have done for him; and particularly, to get them if possible, out of Mr Kelly; which, he said, could he obtain, would be of great advantage to him.

That Neyno had declared to him, he would be even with Mr Kelly, before he was aware of it, or words to that effect; and that Mr Kelly always seem'd averse to any acquaintance with Mr Neyno, of whom he entertained a mean opinion.

That Neyno's father refused him money, which makes it highly probable that his poverty was the occasion of his villany; and that when he was taken at Deal, he had declared to him, Mr Walpole expected to find the Plot about him; and since Mr Walpole could not, he must make one for him.

Neyno told Bingley, that this honourable person had vowed destruction to the Bishop of Rochester, by saying he would pull down the pride of this haughty prelate which is sufficient to convince your Lordships how little regard ought to be had to the hearsay evidence of such a wretch.

Mr Bingley says, that part of this account he had given to the Lords of the Council; and I could have wished that his examination (as well as some others to the same

purpose, which were taken about the same time) had been laid before the Parliament.

Mr Skeen, who is also in custody, has deposed, that he lay in the same house with Neyno, and had some conversations with him.

That Neyno had told him, what he had said of the Bishop of Rochester was intirely false And,

That Mr Walpole had offer'd him a considerable annuity to turn evidence; and had given him instructions before he was called into the Lords, what questions would be ask'd him, and what answers he should make; and threatened him with Newgate if he would not comply.

Skeen says further, that Neyno swore (and I hope the Reverend Bench will, in such a case, permit me to repeat the words) By God, there were two plots; one of Mr Walpole's, against the protesting Lords, and one of his, to bite Mr Walpole of money, and this seems to be the only time, that ever Mr Neyno averr'd any thing upon oath.

To convince the world, what a creature this Neyno was, he tells Skeen further, that once at Lord Townshend's office, he had a great inclination to have stabb'd the Chancellor of the Exchequer. He tells you, that Neyno had wrote a paper to declare, that all he had said of Lord Orrery was false

My Lords, the next witness was Mr Stewart, who was unfortunately in custody when Neyno was brought to town from Deal.

Stewart says, that he slept the second night with Neyno. That Neyno had told him what he had said of the Bishop was false; and that Mr Walpole had offer'd him a great sum of money, if he would swear to what he said, and turn evidence, which he declared he could not do.

That Mr Walpole had taken him into another room before he was examined, and told him what questions he would probably be asked, and what answers he should give.

He says, that Neyno told him also, that he had like to have kill'd Mr Walpole, and so put an end to the plot. and that Mr Walpole had given him a paper of directions,

which he was to answer, in order to be a witness against the protesting Lords.

As a confirmation of his testimony, Stewart says, he told this to Mr Gordon before Mr Neyno was drowned, and to Mr Kynaston before the meeting of the Parliament.

Mr Gordon confirms this part of his evidence, and assures your Lordships, that he had heard it from Stewart before the death of Neyno. And Mr Kynaston, a gentleman of an undoubted character, lately a Member of Parliament for Shrewsbury, has assured your Lordships, that he was acquainted with Stewart's account of Neyno before the meeting of the Parliament; and adds this circumstance, that when in the Appendix he saw those Six Questions printed, he shew'd 'em to Stewart, who seem'd rejoiced, and said, You see, Sir, what I told you is true.

Such concurring testimonies from persons kept so separate, and who are speaking against their own private interest, must have the greatest weight, and must at least prevent any rational and impartial person from giving the least credit to the bare hearsay of this Philip Neyno.

If any doubt could remain, as to the validity of this testimony, it is sufficiently confirm'd by the persons brought to disprove it.

The Chancellor of the Exchequer himself, does not pretend to deny that Neyno told these things, but only adds other circumstances to convince you of Neyno's villany; and assures you, that at the time he was receiving favours from him, he was thoroughly convinc'd he intended to cheat him, which was the occasion of his being apprehended.

He own'd the transactions between them before Neyno went to France, and particularly the money mentioned by Bingley, which are proofs that Neyno must have disclosed these secrets, since they could not come from Mr Walpole, and he and Neyno only were privy to them.

Mr Walpole has shewn your Lordships the foul draught of the questions mention'd by Stewart, and when he denies that part of Neyno's declaration relating to the [illegible] given him before the examinations, he owns,

he was twice alone with him; once the first night of his being brought to town, and the second time, when he gave him the paper of directions, which might be foundation enough for Neyno to frame so notorious a falshood.

The witnesses brought by the Counsel for the Bill, to the character of Mr Bingley, seem rather to confirm it than otherwise; and all agree, they never heard any thing against his morality. They indeed have said, he bore the character of a Jacobite; and suffered for having dispersed a libel: but Mr Baron Gilbert, who was his judge when that punishment was inflicted on him, has told your Lordships, that his private life was not vilified at his tryal, and that neither perjury or forgery was ever laid to his door.

Though the punishment he suffered was the pillory, yet it is the crime and not the punishment, that makes the ignominy, and for this I can appeal to the learned judges.

In order to destroy the evidences of Mr Skeen, they produced one Pancier, who tells you, that Skeen had revealed many secrets to him relating to the plot; and particularly of a military chest, which was collected to carry on these supposed designs, and support the Jacobites. But I presume every body who heard the two persons at the bar, could not but remark the steadiness with which Mr Skeen denied these asseverations, and the confusion with which the other affirm'd them.

Mr Pancier seem'd to drop something which intirely destroys any credit that could be given to him, by saying, that he had owned to Mr Skeen, that he was a friend to this administration; and yet has sworn, that after such a declaration, Skeen had still persisted in his story, and revealed some part of this intelligence to him. How far this is probable, your Lordships are the best judges.

Mr Pancier goes further, and tells you, that part of this conversation happened in St James's Park, in the presence of one Dufour. This Dufour was in the hands of the Government, and I can't conceive why we have never seen him or his depositions, when it would have been so easy to have brought this corroborating witness to Mr Pancier's testimony.

I can't but think, that the not producing this man's evidence, is a strong circumstance to convince your Lordships he did not agree in the same story with Mr Pancier.

They also produced Skeen's Attainder for the previous rebellion; but there have been many Acts of Grace since, so that he is capable of being an evidence, and there has nothing appeared to traduce his character as a man of morals.

In order to shew your Lordships, that Neyno could not possibly make these confessions to Mr Skeen and Mr Stewart, the Council for the Bill, maintain, that they will prove Neyno and the prisoners were not together after the first night

This, my Lords, would be very material, but I think it appears, by the proofs brought to support this assertion, that they frequently have conversed one with another.

The first witness they call'd was Mr Crawford the messenger, in whose house the prisoners were in custody, and, my Lords, I can't but say, it seems very odd, they should bring a man to swear he had done his duty · he has told your Lordships, that Lord Townshend had given him orders, that Neyno should be close confined; and if, after that, it should appear, that he had neglected such directions, there is no question but that he instantly, and deservedly, would have been removed out of his imployment.

This messenger, in this situation, tells you, that after the first night, they never convers'd, to the best of his knowledge That Mr Skeen call'd Neyno a rogue of an informer, and spoke in very hard terms of him, which I indeed think the fellow well deserv'd.

Crawford says, that Mr Neyno had some paper, two sheets of which he found missing. He likewise swears, that Mr Stewart lay upon the stairs; and owns he had at that time two servant-maids.

Mrs Crawford, his mother, swears, that, to the best of her knowledge, the prisoners were never together · that she kept the keys of the rooms herself, but used to send up the maid, Hannah Wright, with the dinner.— Your Lordships will observe that both this woman and

her son, swear to the best of their knowledge only, and are far from positive witnesses.

Hannah Wright, when she was first call'd, spoke in the same language with them, tho' she afterwards recollected herself better.

When the Bishop came to rejoin, Francis Wood, Thomas Wood, and Mr Russel severally say, that this Hannah Wright, had declared to them, that she used to let the prisoners converse together whenever she had an opportunity, which was when Mr Crawford and his mother were out of the way; and that she used to stand upon the stairs, and give notice when any person came, that they might retire into their several rooms. And the other maid, whose name is Christian, has deposed, that Hannah gave the key of Neyno's room to Stewart, and several times desired Stewart to go up to him, and that they were together an hour or more. And when Hannah was call'd a second time, she own'd she was turn'd away for suspicion of having helped Neyno in his escape; that she had left Skeen's door open, who lay near Neyno; and that there was a large whole in Neyno's door through which they might converse.

She said, that Neyno gave her a paper, which she was to convey for him, but that it was taken out of her bosom, and burnt by one of the prisoners.

When Mr Stewart said, that he sat upon Neyno's bed the second night, and lay in the garret where there was a partition, but a communication between 'em, Hannah said, she could not be positive to that, but believes it true.

Mr Crawford, when he was call'd to that point, according to his usual custom, denies it to the best of his knowledge.

Your Lordships will now judge, whether the greatest credit is to be given to the belief of a messenger and his mother, who are swearing that they did their duty; or, to the positive oaths of Skeen, Stewart, Gordon, Kynaston, Francis Wood, Thomas Wood, Russel and Christian, confirm'd by the confession of Hannah Wright, when she came to be cross-examined and confronted.

This, my Lords, concludes what has appear'd at the bar, relating to Mr Neyno and his transactions; and I

am pretty certain, every impartial body must agree with me, that so far from giving the least credit to what he says, there have appeared such circumstances in the transactions which are now come to light, that must make the greatest caution necessary, before we believe any other part of the charge

Your Lordships will take notice, that Mr Crawford confesses Mr Neyno had the use of paper, and found two sheets missing, and Hannah Wright owns she had a paper from him, which was burnt by one of the prisoners. This, my Lords, undoubtedly was the paper, relating to Lord Orrery, mention'd by Skeen in his evidence.

My Lords, I am now coming to the great and only foundation remaining to support this Bill; if Neyno's hearsay is not to be believed, which is the proof that was offer'd to shew, that Mr Kelly was the Bishop's secretary, and used to write for him; and particularly, that the Bishop directed three letters, which were wrote in Kelly's hand, and transmitted to France under cover to Monsieur Gordon le fils;

Every body must agree, that unless the dictating of these letters be clearly prov'd, the Bishop ought to be acquitted; and when, hereafter, this great affair comes to be canvass'd by posterity, it will stand or fall, as this fact shall be strongly made appear.

They first read Plunket's cypher; and Mr Vanradike attests it to be his handwriting. When this piece of evidence was offer'd, people were at a loss to know what they intended to make of it, and little thought that they should be drove to make use of Jackson, standing for the Pretender in that cypher, to shew that the letter directed to Jackson (one of the three before mentioned affirm'd to be dictated by the Bishop of Rochester to Mr Kelly) was to the Pretender; I shall take notice of this extraordinary proceeding when I come to consider those letters. I shall only say now, that were Mr Plunket's correspondence to be regarded, the plot is of a very deep nature, for he has had the impudence to insinuate the most ridiculous aspersions against the greatest men amongst us.

Three of his letters were read out of cypher, in two

of which Mr Johnston is named, that is Mr Kelly; but neither Mr Kelly, or the Bishop of Rochester are allowed places in this cypher, and, consequently, were not in an association with him. Johnston is only spoke of, by Plunket, when he is mentioning domestick news, and in no other manner than might be in every News Letter that went by the General Post.

My Lords, in order to shew that the three letters sent under cover to Mr Gordon le fils, were Mr Kelly's handwriting, which they very justly thought was necessary to be made appear before they proved that the Bishop was concerned in them; they produced a letter of the 20th of August, which a clerk of the Post Office swears was stopt at the General Post Office.

To convince us this letter is Mr Kelly's writing, Hutchins the messenger says, to the best of his knowledge, it is Mr Kelly's hand; and at the same time owns, he never saw him write till after his commitment, and then he stood by him while he wrote two letters, one to Lord Townshend, the other to Mr Delafaye; those letters were produced at the bar, and therefore every Lord in the House is as good a judge of the similitude as the messenger, who has lately been restored into favour; on what account I cannot tell.

If Mr Kelly, during his confinement, counterfeited and disguised his hand, then the messenger's evidence can't be of any weight; and if he wrote as usual, then every person is equally capable of framing an opinion of it who sees the three letters.

The next witness, is Malone, who swears, she has seen him direct letters, but can't tell how long since she saw him write, nor how often.

The persons who contradict this evidence are so positive, so clear, and so concurring in their testimony, that no doubt can rise upon it.

Mr Bingley, when he was shewn this letter, swears it is not like his hand-writing.

Mr Brown, a peruke-maker, well vers'd and acquainted with his writing, when he was shewn the letter of the 20th of August, and the date of it hid by the Counsel for the Bill (so that he could not know what paper it was

before him) swears, It is not his hand-writing · when the letter to Delafaye was produced, he declared, That was his hand-writing when another paper was shewn, (I think, it was the Marriage Articles) he said, that was more like his hand-writing than that of the 20th of August, but he did not believe it was wrote by him, and when they question'd him upon the letter to Lord Townshend, he swore, it was Mr Kelly's hand-writing.

Mr Pickering, who had occasion to know Mr Kelly's hand, having lent him some money, and received several notes and letters from him during that transaction, does agree with Mr Brown in every particular and most minute circumstance, which is a clear and evident proof, that this letter of the 20th of August was not wrote by Mr Kelly.

The difference, which they tell your Lordships, they observe between the cut of the letters in that of the 20th of August and the others, is, that one is longer and straiter, the other wider and shorter, which is obvious to any body that will look on both, and is a confirmation of their veracity.

The prosecutors of the plot might have proved this better, and not have been driven to the testimony of a messenger to support this great foundation of their charge. It is notorious what search they have made for evidence of all kinds; and as Mr Kelly was educated in a college, they might easily have found credible witnesses to that point, if those letters had been wrote by him.

In the case of similitude of hands, when it has been the most clearly and positively proved, as on the tryal of Colonel Sidney, it has been esteemed to be cruel, that a man should be convicted on such kind of evidence; and the Attainder of that unfortunate gentleman was reversed for that reason.

In Sidney's tryal, his bankers swore, they used to pay bills drawn by him in the hand-writing they were shewn, and no persons could contradict them; and yet the sentence against him was a great blemish to that reign. The great Lord Chief Justice Holt, in the case of Crosby, refused to admit it; and the Lord Chief Baron Bury, on Francia's tryal, follow'd that example.

At present, give me leave to say, there is no evidence that it is Mr Kelly's hand, and there is positive proof that it is not.—Therefore, we who live under so equitable, just, and happy a Government, can never convict a man, in these days of liberty, on such insufficient conjectures.

They next produced the three letters, which, they would insinuate, were wrote by Kelly, and dictated by the Bishop, which were mention'd by me before, and which were sworn by the clerks of the Post-Office, to have been stopt going to France.

The Bishop desired to examine them relating to these letters being detain'd, and would have fain known who took them out of the mail; this he thought was proper, for him to demand, since he seem'd to insinuate, that he question'd their ever having been in the Post-Office But your Lordships would not suffer any inquiry to be made on this head, and voted it inconsistent with the publick safety, and unnecessary for the defence of the prisoner, to permit any further questions to be ask'd in relation to this important affair.

These honest gentlemen, the clerks of the Post-Office, have deposed further, that the papers produced, are true copies of the originals detained by them; though, at the same time, they confess, they never examin'd them after they had copied them.

They positively swore further, that the originals were of the same hand with the letter of the 20th of August, though they affirm this barely upon memory, never having mark'd any letter in order to know it again; and one of 'em declared upon oath, that he did not believe there could be such an imitation of Kelly's hand as could deceive him, though the whole House agree, that hands may be counterfeited so as to deceive the men that wrote them

They own, they never compared two original letters between the 24th of August and 20th of April, tho' they might have stopt a letter one post, without prejudice to the Government, in order to be more certain in their evidence.

Thus, my Lords, should this Bill pass, this great man must fall by the dependance this House must have on the memory of these clerks.

Mr Lewis, who has long serv'd in the Secretary's Office, tells us, that frequently letters and seals used to be counterfeited; and, in a more particular manner, by one Brochet, who excelled so much in this art, that he has cheated many persons, and has so far deceived them, that they have not known his copy from their own originals.

When these letters, thus attested, came to be read, they are in cpyher; so that it must again depend on the honesty of a decypherer, before they can possibly be made treasonable.

Mr Wills declares they were truly decyphered according to the best of his judgment and skill, and more particularly, that the number 1378, which is inscribed to the third letter directed to Jackson, stands for the letter R. But when some Lords ask'd him a question, which perhaps, had he answered, might have proved him to be under a mistake; he refuses to give an answer, either in the affirmative or negative, for fear of revealing his art. Your Lordships thought proper to prevent any further cross-examination of this gentleman, by a Resolution.

Mr Wills says, he shew'd these letters decyphered to my Lord Townshend before he communicated them to Mr Corbire, who is a clerk in the Secretary's office, and then, he says, that Mr Corbire and he agreed.

Before these letters can yet prejudice the Bishop, the cant names in them, must be explain'd according to the key which the prosecutors of the plot have made; and in order to it, we must believe, that Jackson stands for the Pretender, because Mr Plunket gave him that title in his cypher. Can there be a greater absurdity than to imagine a person of the Bishop of Rochester's capacity, should borrow a name of that consequence, from so insignificant a wretch as Plunket, who it does not appear ever saw him?

Indeed, the Council for the Bill did not read these letters against the Bishop, since they had no proof of his dictating of them, and they were only read on account of the general conspiracy.

I must observe, it was a great artifice of these learned gentlemen; whenever there was a piece of evidence

to which the Bishop objected, they constantly pretended, they produc'd it to the plot in general; for they knew it could not be admitted against the reverend prelate; but yet when they came to sum up, they applied them to this particular case; which is not agreeable to that candour that is necessary on such occasions.

If your Lordships should be of opinion, that Kelly wrote 'em, that they were stopp'd at the Post-Office; that they were duly copied; that they were truly decyphered, and the cant names explain'd; yet still this cannot affect the Bishop, unless it be fix'd upon him that he dictated them. two of them were sign'd Jones and Illington, and to induce your Lordships to believe the Bishop was guilty, as they affirm'd, they endeavour to prove those names must denote him. And, in order to it, they read some letters affirm'd in the same manner (as before mention'd) by the clerks of the Post Office, to be his hand-writing, but first they read a cypher taken upon Mr Dennis Kelly, and sworn by the messenger Hutchins to be wrote by George Kelly.

I can observe nothing upon this cypher, but that the Bishop of Rochester is not mention'd in it, which seems very extraordinary, and is not a proof of the reverend prelate's being ingaged in a conspiracy.

The letters they read of Mr Kelly are of no moment, and are only calculated to fix the name of Jones and Ilington upon the Bishop.

They give an account of his lady's death, the Bishop's own illness, his going to and from Bromley; and, in some of them, the dog Harlequin is mentioned.

It seems repugnant to reason that, in a treasonable correspondence of this importance, a gentleman should venture his life to give an account of the state of one's person's private affairs, and entertain his friends abroad with no other business in such a tract of time.

In the letters directed to Mr Andrews at the Dog and Duck (which are proved to have been received by Mr Kelly) Jones and Illington are not named, and those in which we find them, were such as pass'd thro' the Post-Office, and were attested like those under cover to Gordon le fils.

It is not likely, that in a transaction of so secret a natur Mr Kelly should take such pains to give such a descriptic as might give the least room for a suspicion that tl Bishop was concerned; much less to have mentione so many particulars, as it may be suggested he has don if there could be any possibility of wresting the meanir of Jones and Illington, and interpreting of them to mea the Bishop

William Wood, the Bishop's coachman, it broug to prove the particular times of the Bishop's being or out of town, in order to shew, that they agree with tl times mentioned of Jones and Illington in the intercept correspondence, and he refreshed his memory by a boc of memorandums, which might have been destroye if it had been apprehended by the Bishop's friends, th such evidence could affect him.

What they next attempt, was to shew, that the d brought over by Mr Kelly from France, and which M Barnes swears, that he once told her was for the Bish of Rochester, as a strong circumstance to fix the nan of Illington on the Bishop.

My Lords, Mrs Barnes, who is under the custody a messenger, is the only witness to this point, and wh she says is only hearsay from Kelly; she owns that Kel never told her so but once, and that was when she thoug to have kept it for herself, and, indeed, it might barely an excuse to prevent his parting with it, for he h promised to bring her such a present before he went France

She owns, that to her knowledge, the Bishop nev saw the dog, nor sent any message about it, which seer to be very extraordinary, that if this present was of su great consequence, he should not have had curiosi enough, at least, to see it an affidavit was read fro Bermingham, a surgeon in Paris, which says, that gave this dog to Mr Kelly, for Mrs Barnes

Before I leave this circumstance of the dog, it is prop to observe another great improbability, which is, in letter wrote a few days after the death of the Bisho lady, it is said, Mr Illington was in great tribulatic for the loss of poor Harlequin; and can it be suppose

that at a time when the Bishop was in affliction for the death of his wife, he should indecently discover so much grief for such a trifle?

I think this is sufficient to convince any person whatsoever, that this correspondence is of a very extraordinary nature

Mrs Barnes has told your Lordships, that Mr Kelly came from France the 11th of April

My Lords, I am now come to the only piece of evidence that seems particularly levelled at the Bishop; which is, the proof that has been given of the dictating those letters; and, unless this be clearly and plainly made appear, I cannot conceive that any thing can be laid to this prelate's charge.

Unless it is evident, that the Bishop did dictate as alledged, I cannot think any of your Lordships can vote him guilty according to the rules of justice, for no man is safe either in his life, liberty or fortune, if he may be deprived of either on account of a correspondence, in which it does not appear he was concerned Though your Lordships should so far credit the precarious evidence, as to believe that Jones and Ilington stood for the Bishop of Rochester; yet, unless it is plain, that it was with his privity, it is certainly impossible this Bill should pass, and if it should, it will hereafter be in the power of any two men, one at home, and one abroad, to ruin the most innocent person, by entring, without his knowledge, into a correspondence of this nature.

If the being named in treasonable letters, be a crime, though it does not appear it was with the privity of such persons, I will submit to your Lordships, how far men of the greatest zeal to the present Establishment, are to be affected by Mr Plunket's insinuations.

No man ought to suffer for the suggestions of another person, unless it appears he has given grave foundation for them. And in this case, would it not be most extraordinary and most unjust, to punish this reverend prelate, for a crime which there is no proof he ever committed? I mean, the dictating of these letters. And if, on the other hand, the unfortunate circumstances of his affairs has furnished him with means of shewing, beyond con-

tradiction, that he could not be concern'd in the letters of the 20th of April; that for a considerable time before, he could not see Mr Kelly; and that there never was an intimacy between them, then, my Lords, I hope, every man who gives his vote for the rejecting this Bill, has the strongest evidence of his side to support his opinion; and need not be afraid or ashamed to own it here, or anywhere else.

This part of the evidence being of great consequence, I must beg your Lordships' attention whilst I recapitulate the heads of it as clearly and distinctly as possibly I can.

The first witness they called, was Flower, a chairman, [who] swears that he carried Kelly twice or thrice to the Deanary; but that the Bishop was never at home, and consequently did not see him. His partner swore, he had carried him, with Flower, one of those times.

The next person produced, was a porter, one Vanlear, who deposed, that he went about Christmas was twelvemonths, twice, with messages from Kelly to the Bishop; the last of which times, he carried some beaver stockens; that the Bishop sent for him up stairs, gave his service to Mr Johnson, and thank'd him for his present.

Mrs Kilburne, at whose house Mr Kelly lodged, says, that once a servant came from the Bishop, to know how Mr Johnson did, and was sorry he could not have his company at dinner.

William Wood the Bishop's coachman, says, he once stopped in Bury Street, but does not know for what; and that the Bishop sent a servant somewhere, who presently returned. And,

Lloyd, who keeps the Star and Garter in Palace-Yard, has told us, that Neyno once came to his house, and told him, he staid for an ingenious gentleman, who was gone to the Bishop of Rochester's house

This, my Lords, is all the proof they offered of this intimacy, from which they would infer, that the Bishop dictated these letters, and is consequently guilty of the crimes laid to his charge.

If your Lordships consider what was produced on the other side, I am sure you must agree there is no foundation for this assertion.

Mrs Kilburne denies, to the best of her knowledge, ıat the Bishop ever came to her house, or that his coach ver stopped there, or ever was sent for Kelly.

That Kelly did not go out of town, from the time he ame from France, 'till he was taken up, the 19th of May, ad never lay out of her house one night

This, my Lords, was confirmed by her maid Anne llis.

Mrs Barnes says, she never heard of any message from ıe Bishop to Kelly, nor ever had any conversation ıth him about the Bishop.

William Wood, the coachman, who lived with the Bishop ur years, has declared, that the Bishop of Rochester ever sent him with his coach to Bury-Street to fetch ny person from thence, that there was no stranger t Bromley for a fortnight before his lady died, which as the 26th of April, that nobody could come in a oach, or on horse-back, but he must know it, that he ever saw such a person as Mr Kelly, 'till he was shewn im at the Tower; and, that the Bishop went ill of the out to Bromley the 12th of April, and did not return to ondon, 'till the 7th of May

Malone, Mrs Barnes's servant, says, that she never saw ıe Bishop, or any of his servants, with Mr Kelly.

Thomas Grant, who has been the Bishop's servant years, has declared, that the Bishop went to Bromley ıe 12th of April very ill of the gout, and that no stranger ould come to him, from the time he went to Bromley, ill after his wife's death; that one or other of the ervants always sat up with him, and that no person ould visit him, but they must know it; for they were ither in the same room or the next room to him; and ıat no stranger, except Dr Aldrige and the apothecary, ame near him Grant says, that he was forc'd to go to own to attend at the Westminster election of scholars on ıe 21st of April, but left Beauchamp there, who came own for that purpose on the 18th.

Beauchamp and Steen, who were the two servants ıat attended with Grant, swear the same thing.

Susannah Harvey, Sarah Jones, Thomas Farnden, Elizabeth Higginson, and all the servants agree, that

they never heard of any person by the name of Kelly or Johnson being with the Bishop And

Mrs Inglish, who took the names of the Bishop's visitors for many years, does not remember, that she ever heard of such a person as Kelly or Johnson. And I doubt not, but that every Lord must allow, that it is not possible to have a more clear, a more strong, or legal proof to a negative, than this is

I must observe to your Lordships, that most of these servants have been in strict custody, and severely used particularly Farnden, and yet your Lordships see how unanimous they are in their evidence; and their testimony is so positive that I cannot conceive any person can suggest there was the least intimacy between this reverend prelate and Mr Kelly; and much less, that he could be with him to write the letters that are dated the 19th of April

Mr Reeves did, indeed, so far agree, as to be of opinion that they might have been wrote the 11th of April, which was the day Kelly came from France; but, my Lords Mrs Barnes has deposed, he went to bed the minute he came home, and lay there for a considerable time besides, it is improbable that letters wrote the 11th, should not be sent 'till the 19th. But if any other argument was necessary to confute this absurd supposition, the Earl of Sunderland's death is mentioned in the letter to Chivers, and that noble Lord died the 19th, at which time it has been proved, Mr Kelly was not with the Bishop

The Bishop of St Asaph did, at first, peremptorily contradict one part of Mr Grant's evidence, by saying he had received a letter from the Bishop of Rocheste at the time which Grant has sworn he was so ill of the gout that he could not write.

His Lordship positively affirmed, that he received this letter on Saturday the 21st of April in the morning and saw Grant in London between twelve and two but when it was proved that Grant did not leave Bromley 'till the evening of that day, and that another person officiated for him as butler in the Deanary, by reason of his absence, then the Bishop seemed to think himself

under a mistake, and allowed it might have been some time before

His Lordship owned, he never received a letter from the Bishop of Rochester before nor since, and therefore was a stranger to his hand.

I could have wished this reverend prelate had recollected himself more fully, before he had given his testimony in a matter of this great importance to one of his brethren.

There was another witness examined, which was Crofton, the shoemaker, to prove, that Talbot (who was said to have received the three letters directed to Gordon le fils) was at that time in London, when he was supposed to have been in Bologn Crofton swears he saw him in town the 29th of April, and prov'd it by his book.

There was another person call'd, whose name was Donner, that deposed, Gordon own'd to him the receiving this Pacquet; but an Affidavit was produced from Gordon, in which he denies it Donner's evidence is only hearsay, the other is positive.

My Lords, the Counsel for the Bill, produced some papers which were taken in the Bishop's custody when he was apprehended, and endeavour'd to draw very ill-natur'd and forc'd constructions from them.

The first was a letter from the Dutchess of Ormond, in which she acquaints him, that she had something to send him, which she could not trust to a better hand, or words to that effect. And this they would pretend to insinuate, was some treasonable papers.

I appeal to all mankind, whether it is not very extraordinary to suppose, that the Bishop should be presumed to convey a trayterous correspondence through that channel. Everybody knows the friendship which was between the reverend prelate and that family, and it is not surprizing that this unfortunate lady should think him a proper person to consult, and intrust with her own affairs. Therefore I can't think, that these general expressions can at all affect him

The next they read, is a paper found, or pretended to be found, at the Deanary, subscribed to Dubois, but without date; in this the person who writes it, says,

he received a letter by Mr Johnson, to which he retur
an answer in his hand.

The Secret Committee, at first, apprehended, that t
was received by the Bishop, and thus it pass'd, 'till up
seizing a letter wrote in the Tower by his Lordship, th
found a similitude in the seals, which immediately
lightned them, and then it was presently said to ha
been wrote by the Bishop.

They then wanted to fix this to be the Bishop's ov
hand-writing, and they could find no other way of doi
it, but pretending there was a similitude between t
E's in this letter, and those which the Bishop genera
used. I believe it is the first time that ever such
argument was brought to prove that the whole lett
has been wrote by a person; much less was it ever pr
tended to be offered to a Court of Justice against a
prisoner whatsoever, but, I believe, there is no m
acquainted with the Bishop's hand, but sees it is n
wrote by him.

They would also affirm, that when in this letter t
Bishop is supposed to say, that he returned an answ
in Mr Johnson's hand, it must be understood to be l
hand-writing; which, I must confess, does not at
appear to be a necessary conclusion; for he might deliv
his answer into Mr Johnson's hand, which, I think,
more natural to suppose than the other.

Your Lordships must judge, how improbable it
that the Bishop should keep such a letter by him, whi
he wrote himself; or that, when such care is take
as the prosecutors of the plot themselves say, for pr
venting any person's discovering the intimacy betwe
Mr Kelly and him, such a secret should be trusted
writing, and even without a cypher.—The two seals whi
gave this turn, are Cicero's heads, which are very commo
and are to be found every-where. They are one brok
the other whole, which must make it very difficult
judge of them; and it is allow'd, that, at best, it is bu
precarious evidence.

If Mr Neyno speaks truth, when he said, the Bishc
had notice of the storm that threatened him, I am certai
that this paper, if it could have been apprehended

consequence, would have been destroyed; but, I believe, it was impossible for him, or anybody else, to think it should meet with such an explanation

The next letter they produced, which they seem'd to think material, was that which was seiz'd on his servant going to Mr Morice · in this he says, that the evidence of Plunket, and those people, could not affect him; but as he does not mention Mr Kelly, they would have it presumed, that this is a proof, that Kelly could have said something of him; but, I think, this must appear to be a very ill-natur'd assertion.

Your Lordships consider, he was then writing to his son-in-law; and therefore no great accuracy was necessary.

In another place, he says, that if they impeached him, he should remain in prison for some time; and this they would decypher to be an implication of his guilt.—But, in my poor opinion, it is the reverse; he seems to say, that if the Commons should be induced to send up an Impeachment against him, he was so satisfied of his own innocence, and your Lordships' justice, that he thought the confinement 'till his tryal, would be the only misfortune that could attend him The example of the Earl of Oxford was recent in his memory, and might justly create in him a fear of undergoing a long imprisonment

It is objected, that he, in this letter, makes no protestations of his innocence. but if you will consider he writes to Mr Morice, I believe every-body will agree, that such declarations were not necessary.

Mr Layer's Attainder was read, but it does not appear, that the Bishop had any correspondence with him; therefore I can't conceive why we were troubled with it.

My Lords, I have now gone through the whole evidence that is brought to justify this extraordinary proceeding, and must observe the steps that have been taken to procure all the possible means to work the destruction of this great man.

You have seen his very servants confined, who, it does not appear, were guilty of the least glympse of treason

Lawson, a baker of Bromley, who appeared at your bar, has been employ'd to examine the persons in the

Bishop's neighbourhood, in order to find the least particular that could amount to the shadow of a proof, and went so far as to offer Wood the coachman, the wages that were due to him, if he would have gone the lengths that were required.

Mr Bingley told us in the case of Kelly (and as it has not been disproved, it is to be taken for granted) that a warrant was shewn by the messenger, sign'd by a Secretary of State, to carry him to Newgate, which he was told was unavoidable, unless he would own the letter of the 20th of August to be Mr Kelly's hand-writing; but it appeared the next day, to be nothing but in order to terrify him.

Mr Kelly himself has told your Lordships, that Mr Delafaye offer'd him his own terms, if he would have turn'd evidence · and this was done to destroy the Bishop of Rochester, or, to speak in the language mentioned at your bar, to pull down the pride of this haughty prelate.

Your Lordships may remember, that Mr Wearg objects to the Bishop's servants, because two of them had employments, as appears by his Lordship's own letter: but, my Lords, when they were examined, they acquainted the House, that it was upon reading of the Report, that they recollected the Bishop's circumstances before the death of his wife. And if every man who has a place under the Bishop, is not to be esteeemed a free agent when he is upon oath, I hope it will be allowed, on the other hand, that those who have employments under the Government, ought not to be admitted; then all the witnesses, that have been brought to support the Bill, from the decypherer to the messenger, will be discredited, and the whole prosecution must fall to the ground.

My Lords, it has been a hardship which has attended the Bishop, that he has been forc'd to prove a negative; and the difficulty has been the stronger upon him, that your Lordships have not permitted Mr Kelly to be examin'd, as was moved by a learned Lord in my eye; and if the gentleman had sworn what he so solemnly affirmed at your bar, relating to this affair, I can't conceive we could have had the least debate.

The noble Lords who appear the most zealous in this

prosecution, were those who oppos'd the examination of Mr Kelly, which, in my poor opinion, is a strong argument, that if he had been brought before us, he would have persisted in his declaration of the Bishop's innocence.

The reverend prelate has desired of any Lord in the Administration, and even the honourable person who appear'd at your bar, to declare, whether any one single person had charg'd him (on their own knowledge) of being guilty of any treasonable practice. And it has appeared to the contrary; therefore this whole charge is founded upon the slight circumstances and improbable inuendo's before mentioned

Another objection which was raised, is, that Mr Kelly made resistance when he was seized, 'till he had burnt some of his papers; but, my Lords, I don't see any reason to lay this to the charge of the Bishop.

Kelly is to answer for his own actions, and is unfortunately like to suffer for 'em; a person of his age, might have many letters in his custody, which he did not care should be seen, and yet of a different nature from a trayterous correspondence.

After this evidence is considered, I cannot think your Lordships will establish such a precedent, which hereafter may be employ'd to ruin the greatest amongst you; and if ever hereafter Pains and Penalties are unjustly inflicted on any person, posterity will derive the original of such Bills from the proceedings of this Parliament; and what opinion will be framed of us, should this be passed into a law, I submit to every impartial person

It must be left to your Lordships' consideration, which will be of most fatal consequence to the publick, the leaving this precedent (of condemning on such kind of evidence) like a sword which your enemies may take up when they please, or the banishing the Bishop of Rochester, in the evening of his days, who alone could do, in his single person, no prejudice to the Constitution: if he were inclin'd to overturn it, as his enemies suggest, he is in a better situation abroad, than at home, to execute that design, and direct the counsels of the disaffected The ruin of one man, will not heal the wound, that the

passing of this Bill seems to make in the Government of this Kingdom

It has been said in the debate, that the Bishop ought to have made protestations of his zeal for his Majesty and his family, but I think he took the most ready way of performing his duty, when he shew'd himself innocent of the crimes laid to his charge.

If he had made use of any expressions, which those Lords blame him for omitting, the same good nature would have called it hypocrisy; and those who are displeas'd with his silence, would have accused him of insincerity

My Lords, this Bill seems as irregular in the punishment it inflicts, as it is in its foundation, and carries with it an unnatural degree of hardship

It is felony for his children to correspond with him: and, in this circumstance it is different from the only Bill that carries with it the least resemblance of this: I mean, that for the banishment of the Earl of Clarendon.

The Earl had flown from the prosecution, and retired beyond sea. The charges against him were principally, For advising a standing army, and another article exhibited was, That he had advised and procured divers of his Majesty's subjects to be imprison'd against law, in remote islands, garrisons, and other places, thereby to prevent the benefit of the law, and to produce precedents for the imprisoning any other of his Majesty's subjects in like manner.

The 7th article against him, was, That he had, in a short time, gain'd to himself a greater estate than can be imagin'd to be gain'd lawfully in so short a time; and, contrary to his oath, he hath procured several grants under the Great Seal from his Majesty, for himself and his relations, of several of his Majesty's lands, hereditaments and leases, to the disprofit of his Majesty.

There need not have been any witnesses of these crimes, for they were apparent; and every-body knew he was Prime Minister; yet Sir Francis Goodier, upon that debate in the House of Commons, declared the sentiments which I express'd at the beginning, That he was not against proceeding, but unsatisfy'd to do it without witness, it being like swearing in *verba magistri*.

Another great man, upon the same question, and an ancestor to a noble Lord near me, said, That if the Parliament set aside law in this case, we should be happy to see law declaring the power of Parliaments.

The punishment for corresponding with the Earl, was high treason, and then two positive witnesses were necessary to convict; but, in this case, one corrupt, terrified and perjured person, may take away the life of the most innocent man.

There is another great misfortune which this Bill brings upon the Bishop, which is, that he is incapable of receiving his Majesty's pardon: this, my Lords, is an entrenchment upon the prerogative. and what must make it the more severe in this case, is, that his Majesty's inclinations to mercy (which are the distinguishing characters of his life) are stopped by this law, which the unfortunate prelate might have hopes of receiving, when he had merited it, by a dutiful behaviour to the country that had sent him to wander abroad in exile, and by his future conduct have confirm'd, if possible, the evidence he has given of his innocence.

My Lords, in the case of the Earl of Danby, your Lordships have declared, that his banishment should be no precedent, nor draw into example for the time to come, and have so enter'd it in your journals

It has been prov'd, that this reverend prelate was at the time that he was suspected to be acting in treason, engaged in studies of the most high nature, which is a circumstance that ought to have some weight.

If this Bill pass into a law, such evidence is establish'd, and such a method of proceeding introduc'd, as must effectually render all that is dear to us precarious; and if ever, hereafter, we should see a wicked Administration, supported by a corrupt majority in Parliament, this step, taken in these times of liberty, will be a sufficient precedent to give a colour of justice to the actions of those who should be wanton in tyranny.

The reverend prelate who spoke before me, mentions some cases relating to Bills of Attainder, which, in my poor opinion, differ very much from our present question

The Attainder of Sir John Fenwick, was only to supply

the want of a witness, who had deposed against him upon oath before the Grand Jury, and who was spirited away by the prisoner's friends: but at present, your Lordships are to supply the defect of evidence, by condemning on improbable conjecture. There was a noble lord in this House the other day—I don't see him now!—who made the greatest figure in opposition to that Bill: I wish we could have his assistance on this occasion.

My Lords, since that reverend prelate has quoted some cases, he will permit me to remind him what has been formerly said upon Acts of Attainder; that such Bills, like Sisyphus's stone, have frequently roll'd back upon those that were the chief promoters of them.

This prudential argument should restrain us from being too forward with them at this time of day.

The Act for the Attainder of the Earl of March, pass'd, because he had been instrumental in procuring the Attainder of another Lord, under pretence of a letter, which, the record says, was no evidence.

The Lord Cromwell is another known instance of this observation: he was the first who advised this violent proceeding in Henry the VIIIth's time; and it is remarkable, that the advice he gave to the ruin of others, prov'd, not long after, fatal to himself.

I have now given your Lordships the reasons why I am against the Bill. I fear I have tired your patience, and shall therefore conclude with the words of the great man I before mentioned, I mean, Sir Heneage Finch, in the case of the Earl of Clarendon—"We have an accusation upon hearsay, and if it is not made good, the blackest scandal hell can invent, lies at our doors."

OUTLAWRY OF PHILIP, DUKE OF WHARTON

TRINITATIS SECUNDO GEORGII SECUNDI REGIS REX

De termino Sanctæ Trinitatis.

Middlesex scilicet pro judicio istius termini } Memorandum quod die Martis proximo post quindenam Sanctæ Trinitatis anno regni domini nostri Georgii secundi nunc Regis Magnæ Britanniæ &c. secundo coram dicto domino Rege apud Westmonasterium per sacramentum Thomæ Cross baronetti Thomæ Railton armigeri Johannis Elwick armigeri Nathanielis Noell armigeri Caroli Beer armigeri Samuelis Vanderplank armigeri Ricardi Newton armigeri Roberti Hudson armigeri Arthuri Wolley armigeri Patrick Mackey generosi Andreæ Cross generosi Andreæ Parsons generosi Andreæ Thompson generosi Edwardi Jarrett generosi Johannis Ennis generosi Danielis Vandepole generosi Philippi Worth generosi Eliæ Gamble generosi Jacobi Goodwin generosi et Samuelis Tuffnell generosi proborum et legalium hominum comitatus prædicti adtunc et ibidem impanellatorum juratorum et oneratorum ad inquirendum pro dicto domino Rege pro corpore comitatus prædicti præsentatum existit quod primo die Maii anno regni domini Georgii primi nuper Regis Magnæ Britanniæ &c decimo tertio et diu antea et postea Philippus Rex Hispaniæ bellum gerebat contra illustrissimum et excellentissimum principem dictum dominum Georgium primum nuper Regem Magnæ Britanniæ &c. durante quo tempore prædictus Philippus Rex Hispaniæ fuit hostis et inimicus publicus dicti domini nuper Regis et quod durante bello prædicto Philippus dux de Wharton nuper de Westmonasterio in comitatu Middlesex existens subditus dicti domini nuper Regis præmissa satis sciens

timorem Dei in corde suo non habens nec debitum ligeanciæ suæ ponderans sed instigatione diabolica motus et seductus ut falsus proditor contra dictum dominum nuper Regem supremum verum naturalem et indubitatum dominum suum cordialem amorem et debitam obedientiam fidelitatem et ligeanciam quas veri et fideles subditi dicti domini nuper Regis erga dictum dominum nuper Regem de jure gerere tenebantur penitus subtrahens eodem primo die Maii anno regni dicti domini nuper Regis decimo tertio et diversis aliis diebus et vicibus tam antea quam postea in partibus exteris et transmarinis extra hoc regnum Magnæ Britanniæ scilicet in regno Hispaniæ vi et armis &c. falso malitiose scientur diabolice et proditorie eidem Philippo Regi Hispaniæ et diversis subditis ejus adtunc hostibus et inimicis publicis dicti domini nuper Regis existentibus contra dictum dominum nuper Regem adherens auxilians et assistens fuit et eidem Philippo Regi Hispaniar et diversis subditis ejus hostibus et inimicis dicti domini nuper Regis adtunc existentibus eodem primo dei Maii anno regni dicti domini nuper Regis decimo tertio supradicto et diversis aliis diebus et vicibus tam antea quam postea extra hoc regnum Magnæ Britanniæ scilicet in dicto regno Hispaniæ in partibus transmarinis vi et armis &c contra dictum dominum nuper Regem proditorie auxilium et confortationem dedit quodque in performatione et executione proditionis et proditoriæ adhæsionis illarum idem Philippus dux de Wharton eodem primo die Maii anno regni dicti domini nuper Regis decimo tertio supradicto et diversis aliis diebus et vicibus tam antea quam postea extra hoc regnum Magnæ Britanniæ scilicet in prædicto regno Hispaniæ in partibus transmarinis durante bello prædicto malitiose voluntarie et proditorie vi et armis &c. seipsum exercitui prædicti Philippi Regis Hispaniæ adtunc existenti in partibus exteris et transmarinis extra hoc regnum Magnæ Britanniæ scilicet in dicto regno Hispaniæ bellum prædictum prosequenti contra dictum dominum nuper Regem et hostiliter obsidenti et oppugnanti urgem de Gibraltar in partibus transmarinis eadem urbe de Gibraltar adtunc existente sub obedientia dominio et subjectione dicti domini nuper Regis conjunxit et univit ac exercitui

prædictæ et diversis militibus ejusdem exercitus in servitio prædicti Philippi Regis Hispaniæ adtunc existentibus in bello prædicto prosequendo et prædicta urbe de Gibraltar hostiliter obsidenda et oppugnanda cum præsentia consilio vi et potentia suis eodem primo die Maii anno regni dicti domini nuper Regis decimo tertio supradicto et diversis aliis diebus et vicibus tam antea quam postea extra hoc regnum Magnæ Britanniæ scilicet in dicto regno Hispaniæ in partibus transmarinis vi et armis &c. proditorie confortavit auxiliatus fuit et adjuvit contra ligeanciæ suæ debitum contra pacem dicti domini nuper Regis coronam et dignitates suas necnon contra formam statui in hujusmodi casu editi et provisi. Per quod præceptum est vicecomiti comitatus Middlesex prædicti per breve dicti domini Regis nunc quod non omittat propter aliquam libertatem in balliva sua quin capiat præfatum Philippum ducem de Wharton si inventus fuerit in ballıva sua et eum salvo custodiat ita quod habeat corpus ejus coramdicto domino Rege nunc apud Westmonasterium die Mercurii proximo post tres septimanas Sancti Michælis ad respondemdum dicto domino Regi nunc de alta proditione prædicta unde in forma prædicta indicatus est. Ad quem quidem diem Mercurii proximo post tres septimanas Sancti Michælis coram dicto domino Rege nunc apud Westmonasterium vicecomes comitatus Middlesex prædicti retornavit breve prædictum ei directum sic indorsatum—" infra dominatus Philippus dux de Wharton non est inventus in ballıva mea—responsio Ricardi Brocas armigeri et Ricardi Levett armigeri vicecomitis " Siper quo ad eundem diem per aliud breve dicti domini Regis nunc præceptum est vicecomiti comitatus Middlesex prædicti quod exigi faciat præfatum Philippum decem de Wharton de comitatu in comitatum quousque secundum legem et consuetudinem Angliæ utlagetur si non comparuerit et si comparuerit tunc eum capiat et eum salvo custodiat ita quod habeat corpus ejus coram dicto domino Rege nunc apud Westmonasterium die Mercurii proximo post quindenam paschæ ad respondendum dicto domino Regi nunc de alta proditione prædicta unde in forma prædicta indicatus est et unde præfatus vicecomes comitatus

Middlesex prædicti dicto domino Regi nunc alias retornavit quod prædictus Philippus dux de Wharton non est inventus in balliva sua. Ad quem quidem diem Mercurii proximo post quindenam Paschæ coram dicto domino Rege nunc apud Westmonasterium vicecomes comitatus Middlesex prædicti retornavit breve de exigi facias prædictum ei directum sic indorsatum—" virtute istius brevis mihi directi ad comitatum meum Middlesex tentum pro comitatu Middlesex prædicto apud parochiam Sancti Andreæ Holborne in comitatu prædicto die Jovis scilicet duodecimo die Decembris anno secundo infrascripto infranominatus Philippus dux de Wharton primo exactus fuit et non comparuit et ad comitatum meum Middlesex ibidem tentum pro comitatu prædicto die Jovis scilicet nono die Januarii anno secundo supradicto idem Philippus dux de Wharton secundo exactus fuit et non non comparuit et ad comitatum meum Middlesex ibidem tentum pro comitatu prædicto die Jovis scilicet sexto die Februarii anno secundo supradicto idem Philippus dux de Wharton tertio exactus fuit et non comparuit et ad comitatum meum Middlesex ibidem tentum pro comitatu prædicto die Jovis scilicet sexto die Marcii anno secundo supradicto idem Philippus dux de Wharton quarto exactus fuit et non comparuit et ad comitatum meum Middlesex ibidem tentum pro comitatu prædicto die Jovis scilicet tertio die Aprilis anno secundo supradicto idem Philippus dux de Wharton quinto exactus fuit et non comparuit ideo idem Philippus dux de Wharton per judicium Georgii Rivers armigeri et Caroli Higgs armigeri coronatorum domini Regis nunc comitatus Middlesex prædicti utlagatus est—Responsio Ricard. Brocas armigeri et Ricardi Levett armigeri vicecomitis.'

INSTRUCTIONS TO PREPARE A PATENT GRANTING THE ESTATES OF THE LATE DUKE OF WHARTON

GEORGE R.

Our Will and Pleasure is, that in consideration of the many Eminent and faithfull Services to Us and Our Royal Predecessors done and performed by Philip late Lord Wharton, Father of Thomas late Marquis of Wharton, and the said Thomas late Marquis of Wharton, You prepare a Bill for our Royal Signature to pass Our Great Seal of Great Britain, to contain Our Grant unto Our Trusty and Wellbeloved Alexander Denton Esq^{r}, One of the Justices of Our Court of Common Pleas at Westminster, Thomas Gibson and John Jacob, both of London, Esquires, Joseph Moyle, of the Town and County of Southampton, Esquire, and Matthew Lambe, of Lincolns Inn in the County of Middx, Gentleman, their Heirs and Assigns; of all the Manors, Messuages, Lands, Tenements, Hereditaments, and Real Estate whatsoever, of what nature or kindsoever, as well in possession as in reversion or Remainder, which did any way belong or appertain to Philip late Duke of Wharton, at the time, or before he was attainted for High Treason, or to any others in trust for him or to his Use, and which are forfeited or accrued, or which ought to accrue or come to Us by reason of the Attainder of the said Philip late Duke of Wharton, and the Reversion and Reversions, Remainder and Remainders thereof, and all Our Estate, Right, Title, Interest, Claim, and Demand whatsoever either in law or Equity, or otherwise howsoever, of, in, and unto the same, and every part and parcell thereof; To hold to the said Alexander Denton, Thomas Gibson, John Jacob, Joseph Moyle, and Mathew Lambe, their Heirs and assignes, for Ever, In Trust nevertheless in the first place to pay and satisfy

such Debts and Incumbrances of the said Philip late Duke of Wharton, as were justly due and owing at the time of his said Attainder, and after the said Debts and Incumbrances are satisfied and paid, the Surplus thereof to be paid and applied by the said Alexander Denton, Thomas Gibson, John Jacob, Joseph Moyle, and Matthew Lambe, their Heirs and Assignes, for the Use and benefit of the Lady Jane Holt, and the Lady Lucy Morice—(Wife of Sir William Morice, Baronet) Sisters to the said Philip late Duke of Wharton, and Daughters of the said Thomas late Marquis of Wharton, their Heirs and Assignes respectively, in Moieties between them. Yielding and paying therefore unto Us our Heirs and Successors such Rents and Services, if any be, as were reserved, issuing or payable out of, or for the premises, or any part thereof at the time that they became forfeited to Us for the said Treason. And the said Bill is also to contain Our further Grant to the said Alexander Denton, Thomas Gibson, John Jacob, Joseph Moyle, and Matthew Lambe, their Executors, Administrators, and Assigns of all Goods, Chattells, Leases, Terms for years, Debts, Rights, Credits, Obligations, Bonds, Bills, Specialties, Sums of money, and other personal Estate whatsoever which before the Attainder of the said Philip late Duke of Wharton, did any way belong or appertain to Him, or to any other person or persons in trust for him or to his Use, and are forfeited or accrued, or which ought to accrue unto Us for or by reason of the said High Treason or Attainder of the said Philip late Duke of Wharton; And all Our Estate, Right, Title, Interest, Claim, and Demand whatsoever, of in and unto the same, respectively. To hold such part of the premises whereof the said Philip late Duke of Wharton, or any person or persons in trust for Him, or to his Use, were or are possessed or interested for any Term or number of years whatsoever, or for any Interest of a Term whatsoever, unto the said Alexander Denton, Thomas Gibson, John Jacobs, Joseph Moyle, and Mathew Lambe, their Executors, Administrators, and Assignes, for and during all such term and terms, and the residue of such terms of and in the same respectively, under and subject to the several Rents, Conditions,

and Covenants reserved or contained in the Leases thereof, on the Leases part to be done and performed And to HAVE and to HOLD all and singular other the Goods, Chattels, Debts, Credits, and the Residue of the said personal Estate unto the said Alexander Denton, Thomas Gibson, John Jacobs, Joseph Moyle, and Mathew Lambe, their Executors, Administrators and Assignes for Ever without account to be rendered or given for the same. In trust nevertheless in the first place to satisfy such Debts and Incumbrances of the said Philip late Duke of Wharton as were justly due and owing at the time of his said Attainder and after the said Debts and Incumbrances are satisfied and paid, the Surplus thereof to be paid and applied by the said Alexander Denton, Thomas Gibson, John Jacob, Joseph Moyle, and Mathew Lambe, their Executors, Administrators, and Assignes for the Use and benefit of the said Lady Jane Holt and Lady Lucy Morice, their Executors, Administrators, and Assignes respectively in Moieties between them. And You are to insert in the said Bill a Clause for granting to the said Alexander Denton, Thomas Gibson, John Jacob, Joseph Moyle, and Mathew Lambe, their Executors, Administrators, and Assignes, the Aid of Our Court of Exchequer, and power to Sue in the Name or Names of Us, Our Heirs, or Successors, or in their or any of their own Names; and such other Clauses and Non-obstantes as You shall think requisite in this behalf, and as are usual in like Cases And for so doing this shall be your Warrant. GIVEN at Our Court at St. James's this 31 day of Janry 1732; for the Sixth year of Our Reign.

By his Ma^ts. Command

R. WALPOLE.

To our Attorney or Solicitor General. GEO. DODINGTON.

Wm. PAYTON.[1]

[1] B. M. Add. MSS 36,130 f. 217.

PATENT GRANTING THE ESTATES OF THE LATE DUKE OF WHARTON

Judge Denton and others grant

George the second by the grace of God and so forth to all to whom these presents shall come greeting. Whereas in our court of King's Bench at Westminster on Tuesday next after fifteen days from the feast of the Holy Trinity in the second year of our reign upon the oaths of good and lawfull men of our county of Middlesex then and there impanelled sworn and charged to inquire for us for the body of the said county it was presented that on the first day of May in the thirteenth year of the reign of our late royal father George the first King of Great Britain and so forth and long before and afterward Philip King of Spain waged warr against his said late majestie during which time the said Philip King of Spain was a publick enemy of his said late majestie and that during the said warr Philip late duke of Wharton late of Westminster in the said county being a subject of his said late majestie well knowing the premisses not having the fear of God in his heart nor weighing the duty of his allegiance but moved and seduced by the instigation of the devil as a false traytor against his said late majestie his supreme true natural and undoubted soveraign lord the cordial love and duty of that obedience loyalty and allegiance which true and loyal subjects of his said late majestie were bound to bear towards his said late majestie wholly withdrawing on the same first day of May in the thirteenth year of the reign of his said late majestie and at diverse other days and times as well before as afterwards in foreigne parts and beyond the seas out of this kingdom of Great Britain that is to say in the kingdom of Spaine

by force of arms and so forth falsely unlawfully and malicıously knowingly devilishly and trayterously to the same Philip King of Spain and diverse of his subjects then being publick enemies of his said late majestie against his said late majestie was adhering aiding and assisting and to the same Philip King of Spain and diverse of his subjects then being publick enemies of his said late majestie on the same first day of May in the said thirteenth year of his said late majestie's raign and on diverse other days and times as well before as afterwards out of this kingdom of Great Britain that is to say in the said kingdom of Spain in parts beyond the seas by force and arms and so forth against his said late majestie trayterously gave aid and comfort and that in the performance and execution of that treason and trayterous adherence the same Philip late Duke of Wharton on the same first day of May in the said thirteenth year of his said late majestie's reign and on diverse other days and times as well before as afterwards out of this kingdom of Great Britain to wit in the said kingdom of Spain in parts beyond the seas during the said warr malicıously voluntary and trayterously by force and arms and so forth joined and united himself to the army of the said Philip king of Spain at that time being in foreign parts and beyond the seas out of this kingdom of Great Britain to wit in the said kingdom of Spain prosecuting the said war against his said late majestie and in an hostile manner blocking up and besieging the town of Gibraltar in parts beyond the seas the same town of Gibraltar then being under the obedience dominion and subjection of his said late majestie and to the said army and diverse soldiers of the same army in the service of the said Philip king of Spain then being in prosecuting the said warr and hostilely blocking up and besieging the said town of Gibraltar as well with his presence councel ayd force and power on the same first day of May in the said thirteenth year of his said late majestie's reigne and on diverse other days and times as well before as afterwards out of this kingdom of Great Britain to wit in the said kingdom of Spain in parts beyond the seas by force and arms and so forth trayterously gave comfort was ayding and assissting contrary to the duty

of his allegiance against the peace of his said late majestie his crown and dignity and so forth and also against the form of the statute in such case made and provided upon which indictment such proceedings were had that on Thursday the third day of April in the said second year of our reign the said Philip late duke of Wharton was in due form of law outlawed and attainted of the said high treason as by the record thereof remaining in our said court of King's Bench relation being thereunto had may more fully and at large appear Now know yee that wee in consideration *of the many eminent and faithfull services to us and our royal predecessors done and performed by Philip late lord Wharton father of Thomas late marquis of Wharton and the said Thomas late marquis of Wharton father of the said Philip late duke of Wharton* of our especial grace certain knowledge and meer motion have given and granted and by these presents for us our heirs and successors do give and grant unto our trusty and wellbeloved Alexander Denton esquire one of the justices of our court of common pleas at Westminster Thomas Gibson of our city of London esquire John Jacob of our said city of London esquire Joseph Moyle of the town and county of Southampton esquire and Mathew Lambe of Lincoln's Inn in the county of Middlesex gentleman all and singular the manors messuages lands tenements hereditaments and real estate whatsoever of what nature or kind soever as well in possession as in reversion or remainder which did any way belong or appertain to the said Philip late duke of Wharton at the time or before he was attainted for high treason or to any others in trust for him or to his use and which are forfeited or accrued or which ought to accrue or come to us by reason of the attainder of the said Philip late duke of Wharton with all and singular the appurtenances thereunto belonging and the reversion and reversions remainder and remainders thereof and all our estate right title interest property claim and demand whatsoever either in law or equity or otherwise howsoever of in and unto the same and every part and parcel thereof to have and to hold all and singular the said manors messuages lands tenements hereditaments and real estate what-

soever of what nature or kind soever as well in possession as in reversion or remainder which did any way belong or appertain to Philip late duke of Wharton at the time or before he was attainted for high treason or to any others in trust for him or to his use and which are forfeited or accrued or which ought to accrue to come to us by reason of the attainder of the said Philip late duke of Wharton with all and singular the appurtenances thereunto belonging to the said Alexander Denton Thomas Gibson John Jacob Joseph Moyle and Mathew Lambe their heirs and assignes for ever in trust nevertheless in the first place to pay and satisfie such debts and incumbrances of the said Philip late duke of Wharton as were justly due and owing at the time of his said attainder and after the said debts and incumbrances are satisfyed and paid the surplus thereof to be paid and applied by the said Alexander Denton Thomas Gibson John Jacob Joseph Moyle and Mathew Lambe their heirs and assigns for the use and benefit *of the lady Jane Holt and the lady Lucy Morice* (*wife of Sir William Morice barronett*) *sisters to the said Philip late duke of Wharton* and daughters of the said Thomas late marquis of Wharton their heirs and assignes respectively in moyeties between them yeilding and paying therefore unto us our heirs and successors such rents and services if any be as were reserved issueing or payable out of or for the premisses or any part thereof at the time that they became forfeited to us for the said treason. And of our further especiall grace certain knowledge and meer motion wee have given and granted and do by these presents for us our heirs and successors give and grant to the said Alexander Denton Thomas Gibson John Jacob Joseph Moyle and Mathew Lambe their executors administrators and assignes all and singular goods chattells leases terms for years debts rights credits obligations bonds bills specialties sumes of money and other personal estate whatsoever which before the attainder of the said Philip late duke of Wharton did any way belong or appertain to him or to any other person or persons in trust for him or to his use and are forfeited or accrued or which ought to accrue unto us for or by reason of the said high treason

or attainder of the said Philip late duke of Wharton and all our estate right title interest claim and demand whatsoever of in and unto the same respectively to have and to hold such part of the premisses herein last mentioned and described whereof the said Philip late duke of Wharton or any person or persons in trust for him or to his use were or are possessed or interested for any term or number of years whatsoever or for any interest of a term whatsoever unto the said Alexander Denton Thomas Gibson John Jacob Joseph Moyle and Mathew Lambe their executors administrators and assigns for and during all such term and terms and the residue of such terms of and in the same respectively under and subject to the several rents conditions and covenants reserved or contained in the leases thereof on the lessees part to be done and performed and to have and to hold all and singular other the goods chattells debts creditts and the residue of the said personal estate unto the said Alexander Denton Thomas Gibson John Jacob Joseph Moyle and Mathew Lambe their executors administrators and assigns for ever without account to be rendered or given for the same in trust nevertheless in the first place to satisfie and pay such debts and incumbrances of the said Philip late duke of Wharton as were justly due and owing at the time of his said attainder and after the said debts and incumbrances are satisfyed and paid the surplus thereof to be paid and applyed by the said Alexander Denton Thomas Gibson John Jacob Joseph Moyle and Mathew Lambe their executors administrators and assigns for the use and benefit of the said lady Jane Holt and lady Lucy Morice their executors administrators and assigns respectively in moyetyes between them And our will and pleasure is and wee do hereby for us our heirs and successors authorize and command the commissioners of the treasury and the treasurer chancellor under treasurer chamberlains barons and other officers and ministers of the court of exchequer of us our heirs and successors now and for the time being to whom it shall or may appertain that they be from time to time ayding helping and assissting unto the said Alexander Denton Thomas Gibson John Jacob Joseph Moyle and

Mathew Lambe their executors administrators and assigns in the suing for and obtaining and recovering of the said manors messuages lands tenements hereditaments and every part thereof with the appurtenances and also the said several debts arrears of rent summe and summes of money herein before mentioned and intended to be hereby granted to them the said Alexander Denton Thomas Gibson John Jacob Joseph Moyle and Mathew Lambe as aforesaid and wee do hereby further for us our heirs and successors grant unto the said Alexander Denton Thomas Gibson John Jacob Joseph Moyle and Mathew Lambe their executors administrators and assigns full power and authority to sue for and recover the said debts arrears of rent summe and summes of money and every or any part or parcel thereof to them granted as aforesaid in the name of us our heirs and successors or in their own names and that they shall and may from time to time have the aid and assistance of the court of exchequer of us our heirs and successors for that purpose as often as need shall require. And lastly wee do by these presents for us our heirs and successors grant unto the said Alexander Denton Thomas Gibson John Jacob Joseph Moyle and Mathew Lambe that these our letters patents or the inrollment or exemplification thereof shall be in and by all things good firm valid sufficient and effectual in the law according to the true intent and meaning thereof notwithstanding the not reciting or not fully or truly reciting any commissions or inquisitions relating to the premisses or any part or parts of them or any of them and notwithstanding that true and certain mention is not made of the names of the tenants farmers or occupyers of the premisses hereby respectively granted or of any part or parts thereof and notwithstanding any defect in not mentioning the yearly or other value of the premisses or any part or parcel thereof or of the yearly rent reserved out of or upon the premisses or any part or parcel thereof and notwithstanding the ill naming or not naming of any town parish hamlett place division or country in which the premisses or any part or parts thereof is or are situate lying and being or any other omission imperfection defect matter cause or thing

whatsoever to the contrary thereof in any wise notwithstanding. In witness and so forth. Witness our self at Westminster the twenty fourth day of April.

By writt of privy seale.

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THE WILL OF MARIA, DUCHESS OF WHARTON

This is the last will and testament of me Maria Teresa Duchess of Wharton widow and relict of Philip Duke of Wharton deceased. I revoke all former wills and desire to be interred very privately. I will that all my just debts be paid as soon as may be and hope that what debts are owing to me will be paid with equal punctuality. I give to my kinswoman Mrs Vickers the yearly sum of thirty pounds during her life to be paid to her half yearly and to be secured upon a competent part of my money in the funds. I desire that the value of one thousand pounds may be set apart of my money in the funds and that the interest thereof be paid to Mrs O'Beirne now living with me during her life and that after her death the principal be divided into equal moieties of five hundred pounds each to her two daughters payable to them respectively at their respective ages of twenty one years or days of marriage which shall first happen and if either of them dye without attaining one of those periods the whole to the survivor the interest being applyed from their mothers death to their better maintenance and education respectively. I give to my niece Mrs Elinor O'Beirne now residing at the court of Spain my gold watch. I give to Mrs Mary Magdalen du Salle my brother's widow the sum of one hundred pounds. I give to my nephew Francis the eldest son of my deceased brother Comerford all my family pictures and to his sister

Frances Magdalen my earrings and other jewels. I give to Mrs Fitzgerald now residing with me and Mr McDonogh the sum of twenty pounds each. I also give the like sum of twenty pounds to Patrick Durfy. I give to Hugh Hamersley of Spring Gardens Esqr. as some acknowledgment of his many years services the sum of two hundred pounds and also the further like sum to be by him applyed according to the directions I have given him and without further account. I give to Molly Daly and Peggy Malone my two women the yearly sum of six pounds each during their respective lives and to my unhappy girl Biddy the yearly sum of five pounds for her life and to all my other servants who shall be living with me at the time of my death the sum of five pounds each I give to Mrs Vickers such part of my clothes and wearing apparell as she shall chuse for her own use and the residue thereof I give equally between my two women and I desire my executors will furnish suitable mourning to Mrs Vickers and my two women. The legacies given by this my will where no other time of payment is appointed are to be paid in a month after my death and the annuities are to commence in six months thereafter and to be payable half yearly. All the residue of my money in the funds and elsewhere and of my effects (which I desire may be turned into money) not before otherwise disposed of subject to the several annuities in this my will I give and bequeath in equal shares between Frances Joseph John and Frances Magdalen the four children of my deceased brother Comerford the shares of the two brothers who are under age to be paid to them at their respective ages of twenty one years of the daughter at her age of twenty one years or marriage which shall first happen and if either of them dye before the appointed periods the whole to go in equal shares as well to my said eldest nephew at to the survivors or survivor of my said three younger nephews and niece and I will that the respective shares thereof remain vested in the publick funds under the direction of my executors untill the same shall respectively become payable but my executors are in the meantime to apply the interest for their better maintenance and education respectively. And I appoint my said nephew Francis and the said

Hugh Hamersley to be the executors of this my will. In witness whereof I have set my hand and seal this twenty third day of December in the year of our Lord one thousand seven hundred and seventy five.

M. T. WHARTON.

Signed sealed published and declared by the testatrix as and for her last will and testament in the presence of us

JOHN HOLLOWAY.
WM. GIBSON.

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